

HEALTH COMMITTEE of the Suffolk County Legislature

Minutes

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **December 13, 2000**, at 9:30 A.M.

Members Present:

Legislator Ginny Fields - Chairperson
Legislator Brian Foley - Vice-Chair
Legislator Michael Caracciolo
Legislator Joseph Caracappa
Legislator Andrew Crecca

Also in Attendance:

Paul Sabatino - Counsel to the Legislature
Mary Skiber - Aide to Legislator Fields
Kim Brandeau - Budget Analyst/Budget Review Office
Virginia Acker - Aide to Presiding Officer Tonna
Bonnie Godsman - County Executive's Office/Intergovernmental Relations
Betty Gallagher - County Executive Assistant
Dr. Clare Bradley - Commissioner/Department of Health Services
Robert Maimoni - Head of Administrative Services/DHS
Dr. David Graham - Department of Health Services
Dr. Scott Campbell - Entomologist/Department of Health Services
Terri Pace - Department of Health Services/Patient Care Services
Leslie Mitchell - Asst to the Commissioner/Dept of Public Works
Dominick Ninivaggi - Department of Public Works/Vector Control
Christopher Hahn - United States Senator Chuck Schumer's Office
Craig Kessler - Ducks Unlimited, Inc.
Mark Maghini - U.S. Fish and Wildlife Service
Adrienne Esposito - Citizens Campaign for the Environment
Mark Serotoff - Townline Civic Association
Bernie Kirschbaum - Mental Health Association
Reva Goldberg - Mental Health Association

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:54 A.M.*)

CHAIRPERSON FIELDS:

We're going to begin the meeting. Please stand for the Pledge of Allegiance led by Legislator Crecca.

Salutation

Thank you. Good morning. We're going to ask that Chris Hahn approach the microphone so that he can make a statement and respond to Legislator Caracciolo and several others regarding the HMO problems that we've been going through in Suffolk County.

MR. HAHN:

Good morning. I would like to read this statement prepared by United States Senator Charles Schumer in response to the members of the Legislature's concerns about the HMO crisis here in Suffolk County.

Chairperson Fields, Members of Health Care Committee, good morning. Thank you for allowing my representative to address you this morning on my behalf concerning this most important of issues. I apologize that I am unable to attend today's hearing to address you personally. Thank you for expressing your concern about the HMO's that have announced their intention of leaving the Medicare Plus Choice Program. I want you to know that I share your concerns and I am doing everything I can to prevent these HMO's from pulling out of New York. I have heard from thousands of Suffolk County residents about this issue and I understand the difficulty and the heartbreak they and their families experience when their health care provider pulls out of

Medicare.

When I first learned that five of six health plans intended to pull out last July, I began to consider Legislative measures and contacted representatives of these plans to see what can be done to reverse this crisis. Unquestionably, the most important issue for the HMO's are their inadequate reimbursement for Medicare. Therefore, I am fighting to make sure that the reimbursement to HMO's for their services are high, enough for them to remain in the Medicare Plus Choice Program and to ensure that seniors have the coverage and choice on which they depend.

As you know, HIP Health Plan recently announced that they will remain in Suffolk after they originally expressed their intention of leaving. This Fall I worked with HIP and the Health Care Financing Administration to maintain HIP service in the area and preserve this choice for Suffolk County beneficiaries. I will continue to work to the secure the return of more HMO's to Suffolk County and to ensure this coverage remains affordable for our seniors.

Additionally, many seniors have expressed fear that the loss of HMO coverage will mean the loss of prescription drug insurance. With the cost of prescription drugs increasing 84% over the past five years, we in Congress must provide relief to seniors as these costs eat away at their hard earned savings. That is why I am the original cosponsor of

the Medicare Expansion for Needed Drugs Act of 2000 which will provide such a drug benefit. I will fight for this effort until the proposal becomes law.

I want to thank you again for contacting me about this crucial issue.

I am sure that through our cooperative efforts, seniors in Suffolk County will continue to receive the best possible health care. Please do not hesitate to contact me in the future on this or any other matter. Thank you.

LEG. CARACCIOLO:
Ginny?

LEG. CRECCA:
I also, Madam Chair, after Legislator Caracciolo, I have a couple of questions.

CHAIRPERSON FIELDS:
Thank you, Chris. Legislator Caracciolo.

LEG. CARACCIOLO:
Good morning, Mr. Hahn. And thank you for sharing with us the Senator's position and action that he's taking and please extend to him our thanks for doing so. But as your statement or his statement indicated, it's a first step.

Could you share with us with regard to the legislation that he is cosponsoring what it does and, in essence, what is the real issue for seniors with respect to the prescription drug issue and what is the ultimate resolution?

MR. HAHN:
Without going into great detail, currently there are several measures before the Senate and the House to try to rectify this situation with HMO Plus Choice. This is not a problem that is unique to Suffolk County, it's occurring throughout the nation and throughout the State of New York.

The current situation rectifies -- remedies the situation that was brought about by the Balanced Budget Act of 1994 and increases the reimbursement rate to HMO's so that they would be able to remain operative in counties where the reimbursement rate has forced the provider out. However, the long-term solution will be a complete overhaul of the system and perhaps even implementing a new system to provide seniors Medicare coverage, or health coverage.

LEG. CARACCIOLO:

As I understand health care costs, I mean, when we look back during the period when inflation was rampid, one of the largest, if not the largest, contributor to inflationary pressures was, in fact, health care costs that were spiraling out of control. That was a result of many factors and it continues to be, to a limited extent, primarily due to prescription drug benefits --

MR. HAHN:
Correct.

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LEG. CARACCILO:
-- that Seniors in particular rely on to sustain themselves. That said, I mean, I have listened to debate during the presidential campaign.

MR. HAHN:
Right.

LEG. CARACCILO:
I haven't heard anybody really say with some type of concrete, finite resolution how they're going to solve this problem. And obviously, given the makeup of the Congress as 2001 approaches, it's going to take a bipartisan effort to do that.

MR. HAHN:
Absolutely.

LEG. CARACCILO:
Obviously the Senator is optimistic that that can be accomplished and I share his optimism and I hope he's right because obviously seniors need this relief and they need it sooner rather than later.

MR. HAHN:

Right. This is --

LEG. CARACCIOLO:

So realistically, what would one expect to take place first with respect to HIC -- what is it, HICA, the Health Care Financing Administration, and how they will address locally here on Long Island and particularly Suffolk County this issue.

MR. HAHN:

Well, currently, as I said, the reimbursement rate is being advanced through Congress, through the Senate from my perspective. As you know, there's been some things preoccupying members of Congress over the past six weeks, so there has not been much movement in this regard

(*Legislator Foley entered the meeting at 10:07 A.M.*)

However, With regard to your second question, prescription drugs, all -- from what I have seen and from what we have seen in Schumer's Office, all members of Congress, both Republicans and Democrats, understand the need to reform Medicare and to include prescription drugs. Senator Schumer has stated time and time again that when Medicare was instituted in its current form, prescription drugs was not such a part of the health care system whereas it made up for most of this cost. Prescription drugs were not readily available, many of the drugs that we now -- that many seniors now depend on weren't even invented yet. So now the cost for producing these drugs have --

LEG. CARACCIOLO:

Escalated.

MR. HAHN:

-- caused the system to be inadequate to seniors. So there are several measures working their way through Congress that will provide a

prescription drug benefit for all seniors and for all citizens in some respects.

LEG. CARACCIOLO:

Will that legislation require copayments?

MR. HAHN:

I couldn't answer that question right now.

LEG. CARACCIOLO:

Okay.

MR. HAHN:

I mean, there are several pieces of legislation working their way through Congress. Some with copayments, some without, some with a combination of copayments for those who can afford it and no copayments for those who can't.

LEG. CARACCIOLO:

Would you be kind enough to relay to the Senator that when legislation is finally considered in committee and the Senate, that he provide us with an opportunity to review that legislation to see if we can lend our support?

MR. HAHN:

Yes. I would also say to all the members of the Legislature, I have, on behalf of the Senator, sent out some faxes to your offices to encourage you that when you contact our office to contact our Melville office at 145 Pinelawn Road, Suite 300 North, Melville, New York, 11747, and you could direct your correspondence directly to me, Christopher Hahn, I'm his Long Island Regional Representative. This way we could assure that your letters do not get lost in the shuffle. Some of you still use our 757 3rd Ave -- excuse me, our Federal Building Manhattan address which has not been operated since our transition from Congress to the Senate two years ago. Unfortunately, when mail does go there, we eventually will get it, it just slows things down and it will wind up in the mail room in Washington, D.C., and then has to make its way back to me on Long Island for the appropriate response to local issues.

LEG. CARACCIOLO:

I don't want to take this time to get into another topic in any detail.

CHAIRPERSON FIELDS:
Good.

LEG. FOLEY:
Thanks, Mike.

LEG. CARACCILOLO:
But I do want to bring to your attention several pieces of correspondence that were sent to the Senator over the course of the last seven or eight months with respect to Plum Island and the lack of response from the U.S.D.A. with respect to a number of concerns that local officials have regarding that facility. If you don't have the

correspondence, just contact my office, we will refax to you the letters and it will be evident from the correspondence what we are seeking in the way of his assistance.

MR. HAHN:
Thank you.

LEG. CARACCILOLO:
Thank you.

MR. HAHN:
And I will say to you, Mr. Caracciolo, we have been researching your issue on Plum Island. It's an issue that's shared by many of your constituents and many here in Suffolk County, and we have been looking into it. I have visited Plum Island myself, several members of our senior staff have come out to Plum Island and we are in the process of formulating a position on Plum Island.

LEG. CARACCIOLO:

Well, a final point then, and I would like to put this on the record. As you know, the U.S.D.A. has proposed that that Island and that facility be upgraded to a Biosafety Level IV Facility which would then have the capability of dealing with the most deadly of pathogens known to mankind; that is something I do not support, local officials do not support. We would like to know what the Senator's position is on that.

I have written to the Senator-Elect and the Congressional Representative-Elect, Mr. Forbes, to seek their positions and their support in supporting us in making sure that consideration is put on hold until what we have now going through County Government, a resolution that was approved last week by the County Legislature for the County to retain expert consultants to undertake a study, and I see some of the participants on that committee in the audience today. Let them do their work, let's reach a determination as to whether or not that's feasible and if Plum Island is the right place for that before any Federal dollars are put into budgets in 2001-2002. So I would ask you to bring this message back to the Senator, that we would appreciate if all appropriations for an upgrade for Plum Island be put on hold until the study is completed.

MR. HAHN:

Is this statement in your correspondence?

LEG. CARACCIOLO:

We will -- that has been sent to the Senator, yes.

MR. HAHN:

Okay.

CHAIRPERSON FIELDS:

Thank you. Legislator Crecca.

LEG. CRECCA:

Yeah. Again, I don't want to prolong it either, but I can't tell you the number of inquiries we've had regarding the HMO situation. And I guess what I would ask is -- because we've basically explained the

problem of the Balanced Budget Act to our constituents and that it's a Federal problem and that this is what we're doing, but really what needs to be done is at the Federal level. I guess my question is I'm hearing that there are measures being taken, I guess there are some bills before the Senate and the House, just so we can give a more specific answer rather than just keeping to referring people to your office or we were referring to Congressmen and all that.

Is it possible to get either a condensed version or a copy of the pending bills and what they propose from your office? I'm not trying to give you more work, Mr. Hahn.

MR. HAHN:
No, that's okay.

LEG. CRECCA:
It's just that, again, I've got so many -- we have a town meeting this evening, for example, and I expect that to probably be the number one issue --

MR. HAHN:
Right.

LEG. CRECCA:
-- that comes up. So would that be possible to get that?

MR. HAHN:
I will try to get you a copy of the bills that we have signed on to, as well as I will send you our press releases on this that kind of detail, they go into great detail of what we have done locally on it. We have had two situations here on Long Island where we've come out publicly for the HMO issue, on the HMO issue and they were very detailed and they received a great deal of coverage. And I will be more than happy to find those bills for you.

LEG. CRECCA:

I appreciate it, and what I'll do is I'll leave you my --

MR. HAHN:

Also, I will also tell you this, we do have a website, schumer.senate.gov, you do not have to put www in, just schumer.senate.gov, and on that website there's all sorts of information on what we're doing in the Senate. So if you ever have a situation which should not arise where you cannot get in touch with one of the members of our staff, you could always refer to that website. But as I said, you know, Senator Schumer is the first United States Senator to set up a Long Island office. I am here on Long Island to service the needs of Long Islanders, so at any time if any member of Legislature needs to contact me, you should not have any problem getting a hold of me and I will be more than -- and I will always return your calls.

LEG. CRECCA:

And I appreciate you being here and you've been responsive in the past, so thank you again.

MR. HAHN:

Thank you.

CHAIRPERSON FIELDS:

Thank you, Chris.

LEG. CARACAPPA:

Madam chair?

CHAIRPERSON FIELDS:

And please -- Legislator Caracappa.

LEG. CARACAPPA:

Thanks, I thought I was going to get shut out there. Welcome, Chris.

MR. HAHN:

Thanks, Joe.

LEG. CARACAPPA:

It's good to see my very good friend, Christopher Hahn, here at the Legislature. And just so everyone knows, I don't have to send a letter to the office at Chris' -- at the office, if I need I just go to Chris' house and drop it off to him.

Chris, the question is I know the Senator, through basically direct negotiations with HIP, was able to get them to stay here through -- I guess it was a modified solution where the payment into the program is slightly higher for the seniors and that enabled HIP to stay because the reimbursements haven't changed yet.

MR. HAHN:

Right.

LEG. CARACAPPA:

Are there any ongoing one-on-ones right now going on?

MR. HAHN:

Yes.

LEG. CARACAPPA:

Because we're what, two and a half weeks before the end.

MR. HAHN:

Yes.

LEG. CARACAPPA:

And hopefully I'd like to know that Senator Schumer is sitting down and having those one-on-ones.

MR. HAHN:

Yes. Senator Schumer is still negotiating with all the HMO's that currently have addressed -- that were currently present on Long Island that have recently pulled out in Suffolk County; we have been in

ongoing discussions with these groups. You know, and as for deadlines, I think if this Presidential Election has taught us anything, that there really is no such thing as a deadline, at any time a change

could happen. We would hope that with the holiday season some of these HMO's would be in a giving mood and decide to stay here in Suffolk County. Do I think that that's a likely scenario? I would say no, but I also did not believe that HIP would come back but the Senator had worked diligently, and when I say day and night, day and night working on HIP to get them to stay here in Suffolk County, and he will continue to talk to HMO's to get them to come back.

LEG. CARACAPPA:

Have there been any favorable responses from them saying that we're willing at least?

MR. HAHN:

At the present time, I haven't been privy to any information about those conversations between the Senator and the Executives of these various HMO's. I would think that at the moment the negotiation continues but there has been no progress.

LEG. CARACAPPA:

Thank you.

MR. HAHN:

Okay?

CHAIRPERSON FIELDS:

Thank you. And please extend our appreciation to the Senator for having you come and for responding to us in a letter form.

MR. HAHN:

Thank you.

CHAIRPERSON FIELDS:

Thank you. In the interest of time, I would like to bring up three people, Dominick Ninivaggi, Mark Maghini and Craig Kessler to address the committee regarding Vector Control. Clare Bradley did say that she wasn't able to be here today. I don't know, Bob, do you want to be up here or anybody else?

MR. MAIMONI:

No, I have Dr. Graham and Dr. Campbell.

CHAIRPERSON FIELDS:

Dr. Graham, okay, and Dr. Campbell. The reason for this review is that Vector Control is in the forefront of many of our minds and in the Summer we become reactive and the intent that we have today and last time was to accomplish a review of the Vector Control plan and address the environmental concerns, along with all of the other concerns that we have. And so were visiting the techniques from the past and the future that were referred to in the plan and looking at it in the Winter to look at short-term and long-term strategies for mosquito control and what options we have and how we can be responsible to not only all of the citizens of Suffolk County but also respond to the Federal, State and local government entities and what their concerns are. So I guess I will address Dominick first and give you the mike.

MR. NINIVAGGI:

Okay. Well, I have -- I have asked two gentlemen --

CHAIRPERSON FIELDS:

I'm not sure that's on; can everybody hear?

MR. NINIVAGGI:

Is it on?

LEG. FOLEY:

Yes.

CHAIRPERSON FIELDS:

Okay, thanks.

MR. NINIVAGGI:

One of the questions that you asked last time we were here was regarding the Water Management Wetlands Restoration Project that Vector Control works on in conjunction with what's called the Long Island Wetlands Restoration Initiative. That's a partnership among Suffolk County, State DEC, Fish and Wildlife Service, the U.S. Fish and Wildlife Services, and Ducks Unlimited which is a major, private conservation organization. So I have asked Mark Maghini from the U.S. Fish and Wildlife Service to be here, he has some information about the projects that have already been done and about Fish and Wildlife Service viewpoint on this, Craig Kessler from Ducks Unlimited, they can talk a little bit how we've been working together the last few years and a little bit about the projects themselves. So I don't know, I think -- I know that we have a lot of issue besides the water management to go over regarding Vector Control, so if it's okay with you, I thought maybe Craig could speak and then maybe Mark regarding some of the things we've done in the water management issues.

CHAIRPERSON FIELDS:

Good morning. As you all speak, could you just present your name and what group you're with and then we'll start with Mr. Kessler. It's probably easier to take it out and hold it in your hand.

MR. KESSLER:

Good morning, Madam Chairperson, Members of the Committee. Thank you for the opportunity to speak this morning. I was asked to come in support of the relationship that we have maintained since 1997 with Suffolk County Vector Control regarding the management of some of our coastal salt marshes here on Long Island.

Perhaps the perspective that I can contribute to this discussion is simply the fact that one of techniques that is being suggested as a

successful remedy for mosquito control here on Long Island is one that is used widely throughout the Atlantic Seaboard and in many of the other states. If I understand the summation of what occurred at the last session, there was some concern on the part of New York State regulators regarding the effectiveness of this particular technique. So what I'm referring to here is a rather small component of the overall plan that you are attempting to address in terms of how mosquito issues are going to be handled in Suffolk County in the future. But one of the techniques that we've decided on employing is

a technique known as open marsh water management and that technique, again, used widely for probably 20 years now in many states along the Atlantic Seaboard basically strives for an ecological or environmental solution to mosquito control. And I would just like to provide a brief history, if I could, to understand that procedure.

As Dominick indicated, our work with Suffolk County is a four way partnership between Ducks Unlimited which is an international conservation organization, U.S. Fish and Wildlife Service, New York State DEC and Suffolk County Vector Control. The principle that we're attempting to institute under open marsh water management seeks to restore the historic water levels and environmental or ecological conditions of the marshes that existed prior to ditching, so this is a condition that we have to reach back to probably as early as the 30's and 40's to try to address. But the concept of grid ditching on the marshes, very simply stated, was premised on the idea that if we drain all the water off the marshes we'll get rid of all the mosquitoes. Unfortunately, the fallacy there is not only did you get rid of -- potentially get rid of all the mosquitoes, you also got rid of all the other invertebrate life and higher life that was dependent on that entire ecosystem. So the concept of open marsh water management seeks to restore historic water levels through the marsh by manipulating the existing grid ditch system, by impounding water on the marsh and

thereby creating a more ecological solution to mosquito control.

Again, there's a lot of detailed science to the procedure and Mark Maghini from U.S. Fish and Wildlife Service is going to address some of the results that we've had here on Long Island. But simply stated, we're attempting to restore the natural ecosystem such that there are natural predators which are controlling mosquito larvae on the marsh and consequently reduces the need for some of the more mechanical attempts to contain mosquito larvae such as spraying or some of the other more physical manipulations on the marsh surface.

We've completed about 2,000 acres of wetland restoration here on Long Island under the Long Island Wetland Restoration Initiative. We believe it is successful in terms of the goals that have been defined by that initiative and those goals, I want to state clearly, are not strictly or simply mosquito control, it's an integrated system that attempts to restore the ecology of the marshes thereby improving their attractiveness for wildlife, not only water fowl but wading bird, shore birds, fishes, improves water quality for our shellfish industries, provides a healthier recreational and aesthetic environment in terms of the quality of those marshes, and at the same time achieves a certain level of mosquito control through natural means. Those natural means utilize the ditches to allow killifish which are natural predators of mosquito larvae to inhabit the marshes for a greater period of time.

Again, without going into the specific science, if you just think about it for for a moment in layman's terms, when the ditches are open the water runs out of the ditches every six hours or when the tide goes out and then returns to the marsh when the tide comes back in. With a closed system of open marsh water management, the water is retained on the marsh for the entire cycle or 24-hours a day, consequently the Killifish that are on the marsh have a greater

opportunity to forage on mosquito larvae. The results, as Mr. Maghini will show you in just a moment, do substantiate clearly a reduction in mosquito breeding on these marshes where this principle has been enacted. I'm going to let Mark talk about those details.

But further, I just want to emphasize the fact that this practice is utilized extensively in all of our neighboring states, Connecticut, New Jersey, Delaware to a great extent, and to some lesser extent in Massachusetts. And there is a greater deal of science behind this procedure and process that Mr. Ninivaggi's organization is well aware of and, consequently, it's his desire to implement those techniques here in New York as well.

CHAIRPERSON FIELDS:

Just a question, what -- can you share your title with the committee?

MR. KESSLER:

Sure, yes. My title is Biological Supervisor for North Atlantic Coastal Programs.

CHAIRPERSON FIELDS:

So your experience is that this alternative works in other states and helps in mosquito control?

MR. KESSLER:

Absolutely. The documented science will show that and, again, Mr. Maghini is going to show you some case examples here on Long Island. We actually have a very good successful project implemented on Suffolk County parklands about two years ago at West Sayville, the response by wildlife has been very positive and a reduction of mosquito larvae has been -- has also been prevalent.

Again, I do want to emphasize the fact that this is one technique that can be utilized in the overall Integrated Pest Management Plan that Mr. Ninivaggi is presenting here this morning, but we can clearly substantiate that there is a reduction in mosquito larvae.

CHAIRPERSON FIELDS:

You know, I just wanted you to share that. I am well aware of the Long Island Wetland Initiative and I have had some experience with Seatuck and other areas, West Sayville is in my district and I've seen the

difference with the pans that have been created and the way that it looks and the restoration work. But I -- does anybody else have any questions? Okay, Mr. Maghini.

MR. MAGHINI:

Thank you Madam Chairperson, Legislators. Thank you for the opportunity to be here this morning. My name is Mark Maghini, I'm the Lead Wildlife Biologist with the Long Island National Wildlife Refuge Complex of the United States Fish and Wildlife Service. I've got some overheads, can I walk up here and flip the chart?

CHAIRPERSON FIELDS:

Thank you.

MR. MAGHINI:

I just a had a couple of flip charts to give some of the Legislators an idea of the work that we do. It's a relatively simplistic process, we've got specialized equipment that exerts a very low ground pressure so it's able to crawl out on the marsh without damaging and doing harm to the vegetation. What the Fish and Wildlife Service maintains is a low ground pressure excavator, a number of the projects also would involve equipment that Suffolk County Vector Control maintains such as a rotary ditcher to open up the ditches, create a better reservoir before plugging them. This just illustrates the plugging process. Very simply, a sheet of three-quarter inch plywood is pressed down vertically across the ditch opening, it's then backfilled with material that we borrow from the bottom of the existing ditch. And the end result is we'll have, as Mr. Kessler mentioned, standing water maintained in the ditch which serves as a deeper water reservoir for marsh fishes that then provide food for our wildlife, the wildlife that my agency is interested in, but also serves as more of a

biological control for mosquito larvae. And then aside from the ditches, we get these sometimes extensive shell of water areas referred to as pans, as the Chairperson referenced earlier, and this represents tremendous foraging area, feeding areas for shore birds, wading birds more typically along the ditches.

I should say that my agency, the Fish and Wildlife Service, is responsible for the management of federally listed, threatened and endangered species and also migratory wildlife, the majority of that being migratory birds which ranges from song birds we may have in our forests and parks, but also migratory water birds such as water fowl, wading birds, the herons and egrids} and shore birds, the sandpipers that use areas such as this.

Some of the results we've had, and this is from the Seatuck Refuge in Islip, preexisting condition when the ditches are just open and they're drained twice a day to the plug and restore condition, we saw an increase in fish use, maybe five to six times an increase. And also, there's research from Rutgher's University on a station in Southern, New Jersey, that showed that not only are there more fish using the marsh in a closed, you know, plugged system versus an open system, not only are there more fish but there are also -- there's also more reproduction. There are more age classes represented which then, as you move through the food chain, has greater benefit and repercussions to the estuarine and some of the commercial and recreational important finfish.

In terms of habitat changes, maybe you are aware of the invasive plant {fragmities} which has taken over a lot of our salt marshes, certainly along the upland edge. What we notice at Seatuck is basically a trade-off in a declining {fragmities}, a species that has relatively no value, no food value, a minimal amount of shelter that it provides wildlife, and that's been replaced with pans and some other marsh grasses. So it's certainly encouraging to see a reduction in an undesirable plant.

In terms of shore birds, in the years preceding compared to the first few years following restoration we've had a doubling of use by shore birds. In terms of water fowl, again, we've had a doubling, in some

cases a tripling of use by those species. Wading birds, we've had maybe a fifty to a hundred percent increase, and mosquitoes we've seen a noticeable decline, and I've got one graphic here. We've also done the same work -- Seatuck is one of the first projects, we have also done work at our Wertheim Refuge, our headquarters refuge in Shirley, Brookhaven. And this chart is combining -- represents a combining of the data from those two refuges and we go out and we sample mosquito larvae each week during the breeding season. This upper line represents mosquito numbers at Seatuck. They were very extreme, preditch plugging, preditch plugging work. Post ditch plugging, this is relatively the slope of the line that shows you the result we had with regard to mosquito larvae at Seatuck. And then a year or two after the initial work was done we went in and did some minor modification and were able to affect an even greater reduction at Seatuck. At Wertheim the results have not been as dramatic, but we have basically halved from, say, averaging one larvae per dip to roughly a half larva per dip across the marsh in a relatively short time frame.

LEG. FOLEY:

It was low to begin with, in other words.

MR. MAGHINI:

It was low relative to Seatuck, it wasn't low enough for the community.

LEG. FOLEY:

Could you give, for the record, give us the numbers on Seatuck?

MR. MAGHINI:

Sure. It was a downward slope, the numbers average, and this is a grand mean of a number of weeks per year that were averaged over a number of years, so it's a mean of a mean, and that average 4.27 prior to doing the work at Seatuck compared to 1.36 after the work was completed initially, and then with some minor modifications in the

following year we reduced the number down to 0..31 larvae per dip.

LEG. FOLEY:

And how does that relate to -- through the Chair, to the local community, is it an acceptable level? And the other question, perhaps you can answer it or Dominick can because, Dominick, I'm sure you've had these numbers before, compare that kind of reduction to the reduction that occurs when you use more traditional means of trying to combat mosquitoes, whether or not this is a similar number, a better number, an inferior number. But let's go to the first question; as far as this reduction, is that such a sizeable reduction that it pretty much -- not eliminates but greatly mitigates the annoyance --

MR. MAGHINI:

I think so.

LEG. FOLEY:

-- of mosquitoes in the given year?

MR. MAGHINI:

I'd have to caveat my answer in that I've only had the fortune of being here for two years, so I've only -- my experience has only been post project here at this station. My understanding is that my office received a fair number of calls and complaints from residents prior to us doing the work.

LEG. FOLEY:

Prior to it.

MR. MAGHINI:

Yes, and that has abated.

LEG. FOLEY:

And since then there's been a concomitant reduction in the number of complaints?

MR. MAGHINI:

That's my understanding, yes.

LEG. FOLEY:

Okay.

MR. NINIVAGGI:

Like I said, we have a trap at Seatuck.

LEG. FOLEY:

Right.

MR. NINIVAGGI:

And the numbers have declined dramatically over where they were a few years ago. Part of that is the water management, part of that is also the improved Larval Control Program that we've instituted starting it in 1995, particularly when we added Altosid to the larvacide program. So it's hard to separate because you can't just leave the marsh alone and do water management and experiment on the people in the area to see how they like it, you have to continue to do the larval control.

LEG. FOLEY:

So at the same time they're doing -- introducing Killi fish to the plugged ditches, you're still using Altosid in the same wetland area?

MR. NINIVAGGI:

Well, one of the things that we found is that we're using it less frequently in Seatuck than in nonrestored areas and we're using it over a smaller portion of the marsh than in years past.

LEG. FOLEY:

Yeah, but the areas that are the plugged ditches, are we using Altosid or other chemicals in those ditches or are we just simply utilizing the killy fish to reduce the number of larvae?

MR. NINIVAGGI:

At this point, we're still using the larvicides but we were able to use them less frequently and over a smaller area.

LEG. FOLEY:

But does larvacide kill the Killi fish?

MR. NINIVAGGI:

Oh no, not at all.

LEG. FOLEY:

Okay. All right, I'm sorry, I didn't mean to interrupt.

LEG. CARACCIOLO:

Question.

LEG. FOLEY:

Maybe this gentleman wants to continue with his presentation.

CHAIRPERSON FIELDS:

Mark, what is your title?

MR. MAGHINI:

Wildlife Biologist.

CHAIRPERSON FIELDS:

Thank you. Are you finished?

MR. MAGHINI:

Yes, yes I am.

CHAIRPERSON FIELDS:

Legislator Caracciolo.

LEG. CARACCILO:

Thank you. Dominick, year over year in terms of applications in the Shirley/Mastic area, you know, pesticide or chemical spraying, what is the experience, is it on the decline, are you increasing applications?

MR. NINIVAGGI:

For larval control it's been on the decline. We've also -- we have to step up a lot of our -- there are a lot of small breeding areas that are outside the refuge that we also work on. We have been able to reduce the amount of spray for adult mosquitoes in that area, partly as a result of the water management, partly as a result of the improved larvacide. For the last two years we have not reached the point where we've had to treat by air for adult mosquitoes, which up until about 1998, consistently, at least once, usually twice a year, we'd have to treat that area by helicopter for adult mosquitoes.

So the overall Larval Control Program has certainly picked up. And it's always hard to separate how much of it is the water management and how much of it is the larvacide, but overall I think the point I wanted to make is, as you can see, there's a reduction in the larvae from the Wetlands Restoration Project that's comparable or better to what we can do with the traditional ditch system. And because we can -- you know, we're happy to do that. We do believe that our program should work more toward these more environmentally friendly methods,

and that's the main reason why we work with the research agencies on this. It's not -- physically in terms of the machine work, it's not a lot of extra work to make the marsh into an open marsh water

management marsh as opposed to simply cleaning the ditches, but if we

can do that, reduce mosquitoes and improve the marsh as a habitat, we're happy to do that.

I think the only point I would make is that the projects are working. They're certainly working in a natural resources sense, they are working to reduce mosquito breeding, we think that they can work even better. What we would like to do is to do -- right now we're limited primarily to plugging up ditches and extending some in some cases to improve fish access. What we would like to do is to go even further, perhaps dig small pond areas that would provide even more fish and water fowl habitat, and the experience in other states has been that that has reduced mosquito populations even more.

LEG. CARACCILO:

In terms of an overall plan, to what extent is this method in operation and to what extent would you hope it could be expanded to its optimum?

MR. NINIVAGGI:

Well, we have about 3,000 acres of salt marsh that we survey on a weekly basis for mosquito breeding. I would say that at least half to more than 75% of that we could ultimately apply these techniques to. In some cases it's just a matter of getting the plans together to make sure when you do this you do it correctly. In some cases there are some institutional issues, many of them are State -- are owned by the State of New York. And right now the State of New York has taken the position that they need to put together overall management plans on their marshes before we'll do this restoration work and they're somewhat short-staffed in terms of doing these overall plans of work. You know, so that's something of an institutional hold up that we're still trying to work with the State on, I think --

LEG. CARACCILO:

How do we expedite that? I mean, the DEC was here and to a certain extent critical of some of your methods, which is fine. But they have a responsibility then to step up to the plate and work with us on a method that is demonstrated it is a more desirable method and not tie us down in regulatory, bureaucratic red tape to further this program. If you are saying 75% of the 3,000 acres surveyed weekly could ultimately be included in a program like this, what percentage is presently in the program?

MR. NINIVAGGI:

I really wouldn't want to give you an answer, I would say less than half at this point. I know that some of them -- and again, some of the areas are in the 2,000 acres that have currently been restored but they are still breeding to the point that we need to treat them.

LEG. CARACCILOLO:

Okay. How can this committee or this Legislature assist you with the DEC to move forward?

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MR. NINIVAGGI:

Well, I think that maybe it would be worth while to contact the DEC or perhaps a letter to that extent might be helpful.

LEG. CARACCILOLO:

Well, I would say to the Chair that that's the next step in trying to coordinate with the regulatory bodies a plan that is apparently, based on the testimony we heard this morning, you know, superior to alternatives. Let me just -- because we're talking about large bodies of water and coastal wetlands where this application is appropriate. In terms of the problem, the pest problem that most homeowners and residents experience where the department or the division has to go out and use street spray or aerial spraying during the season, let's talk some more about that and what efforts are being made to minimize those applications in the future.

MR. NINIVAGGI:

Okay. Well, most of the time, other than when there's a direct disease threat, most of those treatments are as a result of salt marsh mosquitoes, because salt marsh mosquitoes tend to be the real annoying ones and they tend to come out in large numbers in some of our residential areas. So to the extent that we can improve this water management, you know, that will help reduce that kind of treatment.

In addition, we've made a lot of progress on this over the last five years, this has been receiving a lot of attention in the last two years. But one of the biggest improvements was made in 1995 when we started using the Methoprene products such as Altosid to give us much more effective control of the breeding in the salt marsh and we went from basically aerial adult control from the Robert Moses Bridge to the Forge River once, often twice a year to the point now where in many years we don't have to go to aerial treatment for the salt marsh mosquitoes at all. So a lot of improvements have already been made, I think that we'll see additional improvements.

One of the things that's happened over the last year is we had an increase in staffing that started this year, it takes a certain amount of time to get that increased staff fully trained, fully equipped. We had the staff, the new staff working in the second half of this year, we've just taken delivery of additional vehicles. So we will see more of an effect of that increase in staffing in the coming year and we'll be able to institute new larval control units to go out and visit these areas.

LEG. CARACCILOLO:

Are you forecasting, then, a reduction in applications in the future?

MR. NINIVAGGI:

That's our goal. We are somewhat at the mercy of the weather in that if you have a really wet year and you get a lot of fresh water breeding, you know, you can have additional applications.

LEG. CARACCILOLO:

So increased staff and equipment provides you with the opportunity to be preventive as posed to reactive.

MR. NINIVAGGI:

Yeah.

LEG. CARACCIOLO:

And in terms of that, what is your goal next year?

MR. NINIVAGGI:

Well, our goal is, again, to increase the areas that we treat with larval control. We had a substantial increase this year, we went from 20 -- approximately 26,000 acres of larval control treatments in 1999 to over 30,000 acres in 2000, so we did increase our preventative efforts. And even though we did have some problems this year, I think we certainly would have been a lot worse if we hadn't done that additional preventative work

LEG. CARACCIOLO:

This past year, where were the hot spots for West Nile?

MR. NINIVAGGI:

The hottest area for West Nile in Suffolk County last year was in the Town of Babylon, particularly in the area around Bellmont Lake State Park and in the Bergen Point area.

CHAIRPERSON FIELDS:

Last year or this year?

MR. NINIVAGGI:

In 2000.

CHAIRPERSON FIELDS:

This year then, okay.

MR. NINIVAGGI:

I'm sorry, yes. I tend to think in terms of season, so last year -- last season is last year as far as I'm concerned. And Dr. Campbell has some of the numbers, but I think something like 90% of our findings are isolations of virus in mosquitoes, were in the Town of Babylon. So clearly we had a lot of our activity in a relatively small area.

LEG. CARACCIOLO:

Well, that's consistent with the town slogan that Babylon has it all,

SO.

MR. NINIVAGGI:

Exactly. Well, I don't think -- that's one of the things that Babylon probably wouldn't like to have. And what's interesting is that that's not normally an area where we have a lot of problems with biting mosquitoes, the so-called nuisance. But you can have a disease problem even if the overall numbers of mosquitoes are relatively low if you have a pathogen circulating among that relatively small number of mosquitoes.

LEG. CARACCIOLO:

Well, what is unique about Bellmont State Park, I know there's a lake there obviously. Dr. Campbell, would you like comment with respect to why that was the hot spot in 2000 and how does that compare to last

year? And just refresh our memory, last year where were the areas that demonstrated the highest incidence of west Nile outbreak?

DR. CAMPBELL:

It comes down to we really don't know. In 1999, the hot spot was Huntington, and I don't know what their town logo is, but there was -- no park was involved, it was more or of a residential areas where we found the infected mosquitoes in the majority of the birds. Last year in 2000 the majority of the mosquitoes that were infected were from Babylon around the Bellmont Lake. Perhaps it has something to do with the weather change between the two years, maybe it has to do with the amount of artificial breeding that occurred in Huntington two years ago or in 1999, and maybe their preventative efforts since then reduced that. It's really hard to --

CHAIRPERSON FIELDS:

Can I just interrupt; what do you mean artificial breeding?

DR. CAMPBELL:

Artificial like culverts, any kind of -- maybe even homes, cisterns, any kind of dry wells, that type of breeding.

LEG. CARACCIOLO:

In terms of 1999, it's my recollection that the Town of Huntington did receive a lot of attention from the division with respect to spraying, I know there was a lot of street spraying in Huntington that year. I mean, is there a correlation between 2000 not having the problem with the amount of attention, vis-a-vis applications, that was applied during the year that it was a problem, '99? And what about Babylon in '99, did we -- in this area, the Bellmont State Lake area, was there -- were there applications that year?

DR. CAMPBELL:

In 1999 -- actually, Dominick might be able to answer the spray in Babylon in '99.

MR. NINIVAGGI:

We had some adulticide spray in the very northern part of the town but not in the part that we had the problem this year. It's hard to say whether anything that happened, the treatments we did in Huntington changed what happened in 2000. There's still an awful lot to be learned about the biology of this virus and the science is developing at an extremely rapid rate which is one reason why it's hard to be real specific to exactly what we're going to be doing in 2001.

One of the things, though, I did want to point out is that in 1999 there was a cluster of horse mortalities in the Town of Riverhead.

LEG. CARACCIOLO:

Riverhead, right.

MR. NINIVAGGI:

And horses seem to be effected even more than humans and this cluster was of great concern to us because it suggested that species that bite mammals might have been transmitting. So one of the things that we -- our response to that over the winter of 99-2000 was to put additional

crews in that area to clean out ditches and do other water management work, we assigned additional people there in the summer for larval control, we even added some areas to the aerial larval control. We basically stepped up everything we do for mosquito prevention in that area given what happened in 1999. And it's impossible to prove that that's the reason we didn't see horse cases in 2000 in that area, but I think it was certainly a prudent thing to do and I think that that's the proper response when you see an area like that, is to go in and over the Winter --

LEG. CARACCILO:

Well, let me thank you, by the way, publicly because we had a number of inquiries from constituents which the division responded to in Aquebogue, not far from the farm that these fatalities, horse fatalities took place. So again, I think we're all trying to determine is there some -- not cause and effect, but obviously if you make applications in one area and there isn't a continuation of the problem and it popped up this year in Babylon, is there any way to forecast next year where the hot spots will be?

MR. NINIVAGGI:

I think that this --

CHAIRPERSON FIELDS:

Can I just interrupt. I think the original question Legislator Caracciolo asked I don't think has been directly answered, about how we can help as a committee or as a Legislature in order to promote and have more wetland restoration completed. And I've been working on this talking with our local DEC, Region I, Chuck Hamilton and Karen Graulich and Ray Cowin, and also John Kayhill from Albany and Steve Wrestler from Department of State. And I think one of the major problems that the initiative has is the permitting process and being allowed to apply for a permit and receiving that permit, and that's been stopped -- and you can correct me if I am wrong -- by the local DEC and --

LEG. CARACCIOLO:
The Regional Office.

CHAIRPERSON FIELDS:
Right, Region I.

LEG. CARACCIOLO:
Right. Now, Madam Chair, when you speak of the --

CHAIRPERSON FIELDS:
Wait, wait.

LEG. CARACCIOLO:
-- about the permit process, what permit process are you speaking to?

CHAIRPERSON FIELDS:
The permits that allow --

MR. NINIVAGGI:
It was the State Wetlands Permit.

CHAIRPERSON FIELDS:
And maybe now that we have our new Assemblyman here, he can help us in the future with working on some of these agencies and seeing if we can get some of the help on Long Island that we need, I wanted him to be aware of this wetland initiative.

LEG. CARACCIOLO:
Well, what is the timetable to get those permit approvals?

CHAIRPERSON FIELDS:
Now.

MR. NINIVAGGI:

Well, they have -- we have a general permit in place that for some of the more minor modifications we can get an answer, you know, in as little as two weeks, for the major projects it tends to be several months to sometimes six months. I guess the last couple of times the permit process has gone reasonably smoothly but it has taken longer than it has in the past.

CHAIRPERSON FIELDS:

But there's also only a small window of time in which you can do these restoration projects.

MR. NINIVAGGI:

Yeah. Well, that's one --

CHAIRPERSON FIELDS:

So the permit process has to be granted prior to --

MR. NINIVAGGI:

Yeah. I think that also that relates -- the major products we have a little bit more lead time because the major marshes are easier to identify. Where short lead time comes in is in a case where say we have an unusually heavy mosquito problem that we identify say in August and it turns out to be a salt marsh, you only have from September to May to do open marsh water management and if you can't get a permit in time, you have to just simply maintain the ditches, you can't really do open marsh water management. So in those smaller but nonetheless important projects, an expedited permit process would be helpful.

LEG. CARACCIOLO:

Question.

CHAIRPERSON FIELDS:

Mr. Kessler and Mr. Maghini, I think they want the microphone, how many projects are you looking to try to accomplish in the next year or two years or more?

MR. MAGHINI:

Can I defer that question for one second?

CHAIRPERSON FIELDS:

Sure.

MR. MAGHINI:

I think -- I don't really -- with your initial question about what your committee and what the Legislature can do to help, I wouldn't want to disparage any of the regulatory agencies. I mean, DEC is a partner of ours, I think they have helped us, they have helped us through the permitting realm to a large extent in this last year starting in I would say March of this year talking about the projects that we wanted to do. I think it depends on communication. I think we need to do our own work, too, and now that Mr. Kessler is on full-time with Ducks Unlimited to work on this particular initiative, I think that's a tremendous help.

My job is to work on principally our refuge lands, and I've been devoting a lot of my time to the initiative. What I think we need to do is come up with a plan of what we want to do, that seems to be a major question that the regulatory agencies have, both DEC and New York Department of State. They want to be predictive in saying, "Well, where are you going in 2001, what are you going to be looking at in 2003", stretch it out as far into the future as we can. And Mr. Kessler, Mr. Ninivaggi and myself have been just starting to talk about that now because we haven't really had time before. We've almost been hobbyists; I hate to use the term, but I think we're learning more about the technique as it goes on. It hasn't been our sole job duty until recently, so we haven't given it the attention because we haven't had the time to give it the attention.

I think we need to come up with a slate of sites that need work. It almost happens at two scales, there are sites that are degraded and would benefit from a truly wildlife habitat standpoint, then there's

another scale where there may be mosquito issues that we may not know about, may be some number of years where things are fine and then all of a sudden we have, boom, a big breeding year. So we need to be responsive. And I think the regulatory community needs to recognize that, we need to operate almost on two scales so we can be proactive in laying out what we want to do two years, three years, five years down the road but also have some flexibility to work on sites that demand attention now. So that's what we need to do.

But I think as far as the State agencies, they have to be willing to talk to us because I think a lot of times we're like two ships passing in the night where they have perceptions about the work that we're doing and it's just not true, it's not correct. We've had to respond to questions about flooding, flooding out homes; well, you're holding water back on the marsh, aren't you? Yes. Well, you're going to flood out the homes. Well, not exactly." I mean, they're raising issues that really don't have much bearing and I'm not sure why. It may be just because we're not talking, we're not communicating, they're not down here looking at the projects on the ground, and I think that's something that needs to happen.

CHAIRPERSON FIELDS:

It is my intent to get all of the agencies together to talk and I think last meeting that we had was an effort in order, you know, to achieve that goal and having DEC come down and address us directly. Legis -- are you finished, Legislator Caracciolo?

LEG. CARACCIOLO:

Just one or two more questions and to put this in some kind of regional context. Mr. Kessler, are you working at all with the adjoining county, Nassau County, Westchester, the Connecticut counties of Fairfield and so forth?

MR. KESSLER:

Well, we have already completed a project with Nassau and the slate would appear that we're going to be accelerating our work in Nassau County. As Mr. Maghini indicated, our roles have changed slightly. And in 1997 I was involved in the initial formation of the Long Island initiative, as the name suggests, it was strictly relating to Long Island's needs, so two counties involved there. But most recently, Ducks Unlimited has embarked on a North Atlantic Coastal Program such that I now have responsibilities that stand from Delaware Bay to Maine, so I've been involved with these other states and other counties. And Mr. Ninivaggi is also quite familiar with that because there's as you may know a rather organization of mosquito commissions and I understand he just attended a national meeting in Rhode Island where the results from states like Connecticut and so forth were readily available. So I guess the answer is yes, we're working and we can compare notes and utilize research from other states as well as the adjoining County of Nassau.

LEG. CARACCILO:

How would you suggest we proceed in terms of encouraging the DEC to become an active partner with you all in trying to formulate a short and long-term plan in terms of this title wetland restoration project?

MR. KESSLER:

Well, I think there's already been some very astute observations brought to the table by yourself and Mr. Maghini and Legislator Fields as well. I guess my perception of it is simply that if you think about the domain that these folks have had as their purview in the past, the term regulatory perhaps summarizes it best. Their previous focus has been to regulate any activity that might in any way impact salt marshes and the intent of this initiative is proactive in nature; we're attempting to go out and fix something that's been ailing for quite a number of decades. So the mind set or the paradigm shift needs to occur on the part of the DEC. But, again, I think some very positive statements have already been made in terms of our approach to New York State DEC as a potential partner but also in terms of perhaps soliciting the opportunity to move forward with this initiative and bring to bare, you know, all the positive resources that we might do so.

So again, the suggestions that have been made in terms of contacting

the DEC I think in the context of a positive approach certainly would help expedite the process and again --

LEG. CARACCIOLO:

Without being presumptive, are either are you familiar with the full range of work that the Division of Vector Control for Suffolk County undertakes every year to deal with these pest problems?

MR. KESSLER:

Not -- conceptually but not in great detail in terms of particularly the spraying program. One point that was made is very true and that is that the work that we're doing in terms of open marsh water management is a small part of all of the water management that Mr. Ninivaggi's organization undertakes, because he still maintains the fact that some ditches need to be opened and cleaned while at the same time we're trying to move forward with the work under the initiative.

LEG. CARACCIOLO:

Well, let me be a little bit more specific. With respect to the spraying applications by the division, do either of you have any comment pro or con regarding that?

MR. KESSLER:

Well, I think everyone --

LEG. CARACCIOLO:

Type of agents we're using, the methods we're using, the places we're using these applications?

MR. KESSLER:

No, I wouldn't have any comments on the scientific nature of that.

MR. MAGHINI:

Well, on our refuge lands we give permission to Vector Control on a weekly basis depending on what we find in terms of larval production, and then it's up to that agency to decide whether or not to spray. We have given approval to the use of Altosid. Our review of the literature shows that it does have deleterious effects to non target organisms, but those organisms tend to be the types of species that wouldn't typically be found in salt marshes.

LEG. CARACCIOLO:

Do you have any opinion with respect to other products, agents that could be utilized, more natural organic type of applications?

MR. MAGHINI:

No, I'm not that familiar.

LEG. CARACCIOLO:

Is there someone in Fish and Wildlife or some other Federal agency that would have the definitive word on that science?

MR. MAGHINI:

Well, I know that my agency recently hired a person who is an entomologist and the person is working on mosquito issues specifically because it is a big issue for my agency.

CHAIRPERSON FIELDS:

Where is that person located?

MR. MAGHINI:

The person would be at our headquarters outside of Washington in our Arlington, Virginia --

LEG. CARACCILOLO:

Could you provide us with a contact person there?

MR. MAGHINI:

I could once I get back to my office.

LEG. CARACCILOLO:

Okay. How about the EPA, is there any interrelationship with your department?

MR. MAGHINI:

Not in this regard, no.

LEG. CARACCILOLO:

Okay. So with respect to the literature you were starting to say.

MR. MAGHINI:

Starting to say that there's been -- I guess a criticism that I've become aware of is the adverse effects of Altosid, the chemical that we permit usage of toward reptiles and amphibians, and that's I think spelled out clearly in the literature. I guess my agency's point is that those species are not typically found in the brackish salt marsh environment, they're more typically fresh water species in areas that we wouldn't approve Altosid's use.

LEG. CARACCILOLO:

What would you say to those who are critical of the use of that agent in those places?

MR. MAGHINI:

Well, I would say that Altosid is preferred because it stunts the growth of a {laveur}, it inhibits it from metamorphosing into an adult, into a winged adult. So that leaves the larvae still available for consumption by our trust resources, by the birds and wildlife that use the marshes. So it's still available for consumption and the non target effects of the chemical wouldn't apply because the species that -- the non target species that are affected don't occur, it's a non overlapping area.

LEG. CARACCILOLO:

Are there any alternatives that could be used that would not have

those types of effects?

MR. MAGHINI:

I believe there's another compound BTI, Bacterium --

MR. NINIVAGGI:

The two major materials we use in the salt marsh are BTI, a bacterial product, and the Methoprene products with Altosid.

LEG. CARACCILO:

Could you explain to us what that is?

MR. NINIVAGGI:

BTI is a bacterial spore that the mosquito larvae ingest, and under the right conditions will kill them. And we do use BTI extensively in

the salt marsh. However, what we find is that it works under very specific sets of circumstances, particularly it seems to work best in the early season. The other very important thing is the timing of the application is very critical, it only works on the first one or two stages of the four larval stages that mosquitoes have. So if you miss that opportunity, that window of opportunity, BTI does not work very well in the salt marsh. We do find in the early season when mosquitoes are not developing too quickly, when we get stage one and two larvae, we can get good control and we can use BTI under those circumstances. As you get into the Summer, Altosid is much more flexible in terms of the timing of the application and salt marsh mosquitoes are particularly sensitive to Methoprene. And we got a dramatic improvement in our control of the mosquitoes in the marsh when we went from all BTI to a mixture of BTI and Altosid. And so we -- each of these materials has its place in the program and you wouldn't want to use only one or the other because in terms of resistance management, but together they have improved our control a great deal

LEG. CARACCILO:

Any of the products that you're using or agents, have they any known detrimental effects to humans?

MR. NINIVAGGI:

Not for the larvicides. The larvicides have such low toxicity. BTI is basically a soil bacterior, I mean, it's actually a bacterial spore and it works by being ingested by the mosquito larvae. Methoprene is an insect growth regulator and it works on a hormone system that insects have that governs their metamorphoses and humans don't have that hormone system. These materials, again, have been very thoroughly looked at and there's a lot of experience with these materials. And certainly the human health effects, if they're there at all, would have to be very, very small because we haven't seen them with these larval control materials. For adult control materials are more toxic to higher forms of life than the larvacides and that's why it's very important to use those, particularly carefully to avoid overdosing or to avoid adverse impacts. But because there is a difference between non target effects, that's why we prefer to use larvicides as much as we can.

LEG. CARACCILO:

If -- final question. If there were harmful effects, what would be the period of time involved to manifest those effects?

MR. NINIVAGGI:

For the larval control, I would -- you would expect -- BTI works almost immediately, Methoprene is a material that works for a few days and then it's also gone. So the acute effects would show up relatively quickly, whether there would be a long-term ecosystem type effect, that could take years. There have been long-term studies done in other areas, in fresh water areas, and what they find is that they can't see any difference between areas treated with BTI, areas treated with Methoprene and the untreated areas. There sometimes are differences but they don't seem to be long lasting and it's hard to come up with any mechanism as to why you see the differences. And I think, again, these materials should be used judiciously because there's always a chance that there's something, you know, you're not seeing going on.

But I think if you are going to do mosquito control at all, and I think in Suffolk County we do need mosquito control, I think that these are very good alternatives.

CHAIRPERSON FIELDS:
Legislator Foley.

LEG. FOLEY:
Thank you, Madam Chair. Just a few questions, first to Dominick. Dominick, when you turn to page eight of your Vector Control Plan and Program Components, under letter B, Open Marsh Water Management, the last -- the first paragraph under that heading and the last sentence; "Of the 1,025 wetland areas serviced by the division, 13.8 or 141 have habitat characteristics suited to OMWM implementation."

CHAIRPERSON FIELDS:
OMWM.

LEG. FOLEY:
Number one, a thousand wetland areas, what's the amount of acreage that we're talking about? It's not a thousand acres, it's --

MR. NINIVAGGI:
Well, you have to remember, a lot of those are small.

LEG. FOLEY:
But do you have an acreage to relate to the number of areas?

MR. NINIVAGGI:
Well, most of the acreage is in the salt marshes.

LEG. FOLEY:
Right.

MR. NINIVAGGI:

And that's, you know, three to 4,000 acres

LEG. FOLEY:

So we're looking at about -- let's look at the south shore of Suffolk County; would the south shore be included within the 141 areas that have the habitat characteristics?

MR. NINIVAGGI:

Yeah, most of those are on the south shore, particularly in Great South Bay, Moriches and Shinnecock.

LEG. FOLEY:

Okay, all right. Now, given that fact -- and I only see two paragraphs here on open marsh management -- how and when could you present to this committee an area by area plan for implementing this kind of program? Because I see the two paragraph, let's say, overview, but what would be helpful to me and I'm sure to other members of the committee is to see, you know, a specific plan that will show us geographically where you intend to move ahead with this Open Marsh Management Plan.

MR. NINIVAGGI:

Well, I think that's one of the things that in the beginning Mr. Kessler talked about, that we really need to go over that with the State.

LEG. FOLEY:

Well, even before going over to the State, I think what we would like to see here in the County and as one member of this committee and also as a Legislator that represents areas that have been beleaguered by mosquitoes and the like, even before you go to the State, first come to the County to tell us here's what we'd like to do, here are the

areas that we'd like to undertake this effort, and then we can be a partner in trying to help persuade the State to follow through. But these two paragraphs just tell me in very general terms what you want -- what I want to see is the specific locations where you want to do this.

CHAIRPERSON FIELDS:

I think Legislator Foley is also suggesting that if we know the areas, each Legislator will fight on behalf of his or her district.

LEG. FOLEY:

Right.

CHAIRPERSON FIELDS:

And work proactively and assertively to try to help.

LEG. FOLEY:

And just on that point, Madam Chair. It would be important, Dominick, to know from you, you know, which areas we intend to move forward with even this year if you have an idea, if you don't when will you so that we can -- so I can say to some of my constituents, whether it's along Swan River or Mudd Creek or Corey Creek, that these are areas that we're going to be undertaking some creative approaches to not only combat mosquito control, to have mosquito control, but also restoration in order to reintroduce variety of water fowl and other similar animals and ducks that may not be there currently. So we need to have this site specific information before we go forward.

MR. NINIVAGGI:

I could certainly give you my wish list.

LEG. FOLEY:

Well, that will be helpful.

CHAIRPERSON FIELDS:

Can I just interrupt, too? The Long Island Initiative I know does -- recently we just passed, I believe last month, two bills, one at Shinnecock, if I'm correct, and the other one at Flanders on County land, so those are two; am I correct, Mr. Kessler?

MR. KESSLER:

That's correct.

LEG. FOLEY:
Good.

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CHAIRPERSON FIELDS:

And I'm assuming that you have a plan of where you want to go and do work past that time that maybe you could submit to the committee or to the Legislature?

MR. KESSLER:

I think that would be a very appropriate step. We have identified in a broad sense when we put the initiative together approximately 151 sites that would be potentially suitable for this work, that's in both counties, covering about 10,000 acres on Long Island, most of which is on the south shore. And I think you're exactly right, we're at that stage of development here, three years into the initiative, to come up with more specific site plans for those preliminarily identified dots on the map, if you will. And that would be a very advantageous step to take at this time with all the cooperators of the Long Island Initiative.

CHAIRPERSON FIELDS:

I think that what I would ask, then, is that you formally present that to us. And Dominick, maybe if it's not part of the Long Island Initiative and its other areas that you feel should have OMWM, present that to us. And I think that's part of what we were looking for in the plan, you know, to have -- and that's I believe what the DEC was -- one of their complaints was that it was too general a plan.

LEG. FOLEY:
Right.

CHAIRPERSON FIELDS:

And I think if we can -- if you can respond to the DEC's questions that were presented last time by Karen Graulich, that would make us go forward one more step in just what Mark Maghini was referring to as community, and I think that that's one of the problems that exists here.

MR. NINIVAGGI:

Well, I think one of the things about writing a plan like this for submitting it to the Legislature is, you know, what is the balance between detail and not overwhelming you with a telephone book type document.

LEG. FOLEY:

Don't worry about it; Dominick, don't worry about that.

CHAIRPERSON FIELDS:

Yeah, it's up to us to respond to that.

MR. NINIVAGGI:

Because we --

CHAIRPERSON FIELDS:

I don't think you'll overwhelm us.

MR. NINIVAGGI:

Okay. Because we -- I intentionally felt that this was a more of a

broad statement of purpose rather than a specific project by project plan which is the way we have done that in the past.

CHAIRPERSON FIELDS:

I think that what Legislator Foley and I both feel is that each

Legislator represents a district, so all the more reason why we would want to know, does this happen in our district, does it need to happen in our district, do we want it to happen in our district? And that way we can respond to our constituents and that's our job. So for you to present that to us would just help us, you know, in relating that to our constituents and also maybe in assisting you with the regulatory agencies.

MR. NINIVAGGI:

Yeah. Well, again --

LEG. FOLEY:

And also as a follow up, Dominick, the way that it could be presented to us is as an appendix to your plan.

MR. NINIVAGGI:

Yes.

LEG. FOLEY:

We have had in the past voluminous appendices to a variety of plans in a variety of areas of County government. So if you have that kind of highly detailed plan, that's fine, submit it to us so then we can review it and then we can work together on trying to advance this creative water management plan. Madam chair, I just had a couple of other follow ups.

CHAIRPERSON FIELDS:

Go right ahead, you have the floor.

LEG. FOLEY:

Thank you. Dominick, you mentioned earlier that BTI's used in stage one and stage two and you mentioned that that's your preference because it's at the larval stage, you don't have to do any adult spraying and the like. With the staff that you have in place, do you have enough staff in place where you can have a comprehensive, let's say, BTI application in the troubled -- you know, in the most troubled areas of the wetlands, or is the reason that you need to go to Altosid or others, other uses, other chemicals so to speak, because you don't have the staff in place to fully apply BTI throughout the wetland areas that you see there's a problem?

MR. NINIVAGGI:

Well, I don't know if we would have ever have enough people to visit the sites frequently enough to always use BTI because the mosquitoes develop on an ongoing basis, in some sites you'd have to visit almost daily --

LEG. FOLEY:
Okay.

MR. NINIVAGGI:
Which there's some practical considerations.

LEG. FOLEY:
So how do you decide where to use this and where not to use it?

MR. NINIVAGGI:
Well, what happens is when we get to the site, we look at what stage the larvae are at, conditions like temperature and, you know, we make a decision usually on the spot as to what material to be used. Also, I think that the impacts of Methoprene are so low that I don't think that there's a huge environmental difference between using BTI and using Methoprene in terms of the non target impact, they're both very low impacts. And BTI can, in fact, impact some non target particularly midges and other aquatic insects. So I think that -- I don't see where there's a very, very large difference in the impact between those two materials.

LEG. FOLEY:
Okay.

MR. NINIVAGGI:
One of things we'll see in this coming year is, again, more of the

full effect of the increase in staffing, we should be able to visit more sites more frequently. I think as much prevention as we can do, I think there are always going to be some breeding areas that are going to get away from us, there might be breeding areas that are not accessible; for instance, in some of the national park service lands where we're not allowed to do any preventative control. So there will always be a place, at least for the foreseeable future, for various forms of adult control. I think you know the key thing is to limit it, to target it to where it's truly needed.

LEG. FOLEY:

Well, how do you -- you say the word target where it's truly needed; what do you base that on, how close the marsh land is to a residential community for instance? What criteria do you use to decide where to focus your resources?

MR. NINIVAGGI:

Well, we have certain historic -- we have been in this business for about 66 years so we have an historical base to work from where we know we have chronic problems, we have light traps in many of those areas to give us an index of when the adult mosquitoes are getting bad. We would plan to expand, as the laboratory operation is upgrading we'll expand our trapping type network and we have staff in the field.

LEG. FOLEY:

Can we improve the area at the larval stage of trying to get at the preventive stage to combat this problem? Do you need more resources in that particular area, or how -- you know.

MR. NINIVAGGI:

At this point, I think the thing to do is to see how things work now that we've brought -- we've just had a major increase in staffing and I think we need to see, you know, what the full effect is of that

major increase. Before I got to the well and ask you for more, I think it's only fair that we really get the full effect of this. I wouldn't be much of a manager if I didn't tell you that I could do more if I had more.

LEG. FOLEY:

Yeah.

MR. NINIVAGGI:

But I think that we want to strike a reasonable balance.

LEG. FOLEY:

Well, I think the point that I'm raising and others on the committee and also constituents who live near the marshland areas is they would much prefer to see a greater expansion of efforts at the larval stage than obviously at the adult stage because of the issue of spraying and the like.

MR. NINIVAGGI:

Yeah. And when we --

LEG. FOLEY:

So my point is after we gave you the additional staff, carefully gauge how that additional staff can be used most effectively, not just throughout the whole season so to speak, but also at the very -- at the beginning stages to see how we can really expand the program in that particular area so that there's not as much of a problem at the adult stage as there currently is.

MR. NINIVAGGI:

Well, one of the things that we did with those increased resources, we devoted that almost totally to larval control and mosquito preventative work. You know, the titles we hired, the equipment we purchased were almost exclusively for control in the larval stage, so we do put our resources to that.

CHAIRPERSON FIELDS:

Okay.

LEG. FOLEY:

I will just leave it at this, Madam Chair.

MR. NINIVAGGI:

For instance, we didn't increase the number of trucks for spraying in the street, the adult spraying, we kept that the same but we did increase the number of people out for prevention.

LEG. FOLEY:

I'll just finish with this, Madam Chair. What's helpful today, and I thank you for having this presentation, that we're moving forward with water management, we will be given some specific locations where this can be implemented. And I would also ask from Dominick where within the County, let's say on the south shore, where these new staff, new resources are going to be allocated in order to increase the presence

of your staff at the larval stage to try to combat this mosquito problem. So if you can forward that information to me, the way you're going to deploy the new staff that we've given you.

MR. NINIVAGGI:

All right.

LEG. FOLEY:

Okay? Thank you.

CHAIRPERSON FIELDS:

Thanks. Does anyone else have any other further comments that you weren't able to express? Then --

MR. NINIVAGGI:

There's one thing I did want to mention. I have not received anything in writing from DEC regarding their concerns.

CHAIRPERSON FIELDS:

I spoke this morning to Chuck Hamilton who said that they have the comments ready, they're just waiting to be approved by Ray Cowin and then you will have them. If you need the minutes verbatim from last time to use in the interim to respond to those, I also have a copy of those if you need them.

MR. NINIVAGGI:

All right. I just wanted to point that out because I know that we're getting near the end of the year here and --

CHAIRPERSON FIELDS:

We have to approve this either in committee today and then on Tuesday, I believe. I'm going -- thank you, everyone, for giving us your presentations and your input into the plan. We have one other speaker regarding Vector Control, but, Dominick, don't leave yet. I also got some e-mails and some questions. Adrienne Esposito, if you could step up. But I have a couple of questions that I received from some of the constituents regarding the no spray list and the fact that they're on a no spray list but they're being sprayed anyway, and I wondered if you could address that. And Adrienne, come on up.

MR. NINIVAGGI:

Well, as far as a person on the do not spray list being sprayed, and I think I exchanged some e-mail over this, the only thing I can say is that the program is run by human beings. And obviously, we try to have as many controls as we can and, as human beings, you know, we do make some mistakes. We are upgrading our systems for dealing with this. One of the things that we've done with our increased resources is we've brought a Geographic Information Systems Technician on staff, he started a couple of weeks ago, and one of the things that we want to do with geographic information systems, or GIS, is to get better planning for spray operations and better coordination. Ultimately, what we would like to do is when we put a spray map, an area that we plan to treat through our GIS, have the GI -- have the no spray people in the GIS so the GIS will automatically kick out to us, you know,

where those locations are. So we try to put increased controls, we try -- I think that it's certainly a valid consideration. Nonetheless, the program will always be run by human beings.

CHAIRPERSON FIELDS:

Okay. And then I just have one other comment before Adrienne speaks and that is addressed to you, Dominick. We spoke last time regarding bats and Purple Martins and I did contact an Ornithologist at the Cornell Lab or Ornithology and Audobon person who did tell me that the information regarding bats is incorrect, and I can get you that information, because bats do actually provide a good control to mosquitoes.

MR. NINIVAGGI:

Well, I would like to see that.

CHAIRPERSON FIELDS:

I am, I have that with me. And the other part is that we should probably -- let me just see if I can find it. Tree swallows are also a very good control for mosquitoes and I know that on behalf of Audobon we've put them in Gardiner Manner Park and a couple of the other marshes where these tree swallows do seem to help control mosquitoes.

MR. NINIVAGGI:

Well, I'll be happy to review that information.

CHAIRPERSON FIELDS:

I'll get you that. Adrienne Esposito, welcome. Good morning.

MS. ESPOSITO:

Good morning.

CHAIRPERSON FIELDS:

Almost good afternoon.

MS. ESPOSITO:

Almost. I have a little bit of a cold, so bear with me. Actually, I would like to keep my comments on the Vector Control Plan to four, what I hope are simple, comments and that would be monitoring and surveillance issues, public education, response criteria, and also the no spray list. Let me make a simple comment about each one of those.

The first is that I think that if you are going to approve a plan that deals with the application with larvicides and pesticides, that we need to know what are the environmental ramifications of those applications year in and year out, it's a very simple thing. We do not have, as many counties across New York State actually, a quantifiable monitoring program of what are the short and long-term effects of the application of this increased use of Altosid, of increased use of pesticides. And simply put, we'd like to know what they are and I think you'd like to know what they are also. So if we're going to approve the application of the chemicals, let's figure out what they're doing, if anything, to the ecosystem and the environment.

I think a case in point, as you heard testimony here just moments ago, that Altosid which contains Methoprene which is the growth inhibitor for mosquitoes, quote -- one gentleman testified that it does impact negatively amphibians and reptiles, but he didn't believe that those non targeted species applied here on Long Island; that's news I think to our ecosystem. I assure you we have amphibians, we have reptiles that may be impacted, we don't know, that was a statement made on wishful thinking, not on good hard science. So if we're going to make those statements, I think we need to find out if that's true.

The tributaries that these larvicides are being used in, as you know,

filter out into our estuarine systems, whether it's Long Island Sound, Peconic estuaries, south shore estuary. We have a population of a species that may be impacted, as the new science shows us, by Methoprene. So I think it's a good reason, one good reason, you know, to start looking at it. Also, we heard Dominick say that there's not a huge difference in the environmental impact between BTI and Methoprene; how do we know that?

Number two, public education. Again, if we're going to approve a plan that calls for the application of adulticides, then I think we need to have as one component of that plan to inform the public about what may be some of the health effects or how to protect themselves from the pesticides, even if the risk is low. If you went to the doctor and you had a rash all over your body and the doctor said, "I know what we can do, we can pump you full of steroids, that would cure the rash. And there's some other risks, it's minor," wouldn't you just want to know what they were? If the steroids were going to be attacking your organs, kidneys, liver, heart, you would have the right to know that before you made a decision about what to do for your health.

And so what we're saying is we have a plan that calls for the application of pesticide, let's let the public know. We do not feel that there was even remotely an adequate component last year in '99 or in the year 2000 about what the public can do and what is the proper guidelines for protection.

CHAIRPERSON FIELDS:

Adrienne, may I interrupt?

MS. ESPOSITO:

Yes.

CHAIRPERSON FIELDS:

How would you propose that we let the public know that, in what way as part of this plan?

MS. ESPOSITO:

Well, I think there's two components, one is how and the other is what we say; let me just first address what we say and then I'll address how. For instance, last -- this year, excuse me, in 2000 it was put out that you can stay indoors for one hour and then it would be safe to go outdoors. I was at a meeting with the New York State Department

of Health in Albany November 29th where many of the Health Department and such were invited, and the Health Department said, you know, that one hour guideline what that really means when the truck comes down

the street the particles come out of the air, but it doesn't mean that the pesticides have dissipated all over the ground, the grass, your car when you open it, you know, whatever it may be that you're coming in contact with. So we said, "Well, then why did you tell people one hour and they said, "Well, that means it's safe to breathe the air." And so now there's controversy even within the New York State Department of Health about what should be the real guideline to give people about how to not -- how to have the least exposure to the pesticides.

And so I understand that, you know, this may be in some respects new to some counties and certainly to the State, but I think the point is that we need to have some kind of adequate guidelines on how the public can come into the least possible exposure to these pesticides.

CHAIRPERSON FIELDS:

Dr. Campbell, do you have any response to that on behalf of the County on how we might be able to address that?

DR. CAMPBELL:

There were -- the exposure to the pesticides as regards to health issues?

CHAIRPERSON FIELDS:

And our constituents.

DR. CAMPBELL:

Maybe Dr. Graham would have a better --

CHAIRPERSON FIELDS:

Okay. Good, we haven't heard from him yet.

DR. GRAHAM:

I think I would emphasize the importance of the presence of West Nile Virus and its risk to human beings as a greater importance here.

CHAIRPERSON FIELDS:

But if West Nile Virus has not affected even one person in Suffolk County and spraying may effect all of the residents in Suffolk County on a long-term basis, how do you address that? And that's what I believe Adrienne is trying to suggest here.

DR. GRAHAM:

Keep in mind that West Nile Virus, there's been an extensive and widespread problem, certainly documented evidence in birds, mosquitoes and horses including two out of four horses that have died from this virus here in Suffolk County. The four western townships in particular have been very -- severely affected by the presence of this virus. Brookhaven Township as well and three of the five eastern townships, we have presence -- evidence of presence of this virus.

Now, Suffolk County in general -- we have over 60 counties in New York State, Suffolk County has been, next to New York City and Rockland County, was most affected by the presence of this virus. This is a newly introduced virus into this hemisphere; its impact on human

beings is far more significant than in the old world, in the rest of the world as I would say, eastern Europe, Middle East and Africa.

Our mortality rate here in the western hemisphere has been upwards from 10%. In medical terms -- I'm a physician and Director of Public

Health, in medical terms 1% is significant. And when we have approximately 2,000 individuals affected by this virus here in the United States this year of which one out of 120 have had serious neurological problems, that is a significant factor to keep in mind. Whether it affects our particular residents or not is not the question, the fact is that this virus is a potential threat to human beings and there's evidence of its presence.

CHAIRPERSON FIELDS:

It is --

DR. GRAHAM:

Its evidence of its presence here in Suffolk County is great and we should do whatever we can to prevent the transmission of this virus to human beings that is our primary objective and what we try to accomplish here. So we support an integrated pest management approach whereby we emphasize education, we emphasize surveillance of human beings, active surveillance, surveillance of birds and mosquitoes and horses, etcetera, so that we can identify those species that have been affected hopefully prior to a human infection, because there are ultimate goals to prevent infection here in people, not to react after an infection in a person.

CHAIRPERSON FIELDS:

Okay. You emphasize education, but that's exactly what I believe Adrienne Esposito has brought to us.

DR. GRAHAM:

Yes.

CHAIRPERSON FIELDS:

Is that perhaps West Nile Virus has affected certain people neurologically, but I do believe that spraying has affected some people neurologically also; is that not accurate?

DR. GRAHAM:

What we -- I would be very careful about equating the impact or trying to look at the direct impact of these EPA approved and registered chemicals that have been known in many cases for many decades the impact of these chemicals.

Now, I'm not here to condone the use of any chemical or not, obviously

our goal is to try to prevent this vector, these mosquitoes from transmitting in whatever way to human beings, so if we can reduce the likelihood of that then we've partially accomplished our goal. Now, education is --

CHAIRPERSON FIELDS:
Adrienne --

DR. GRAHAM:
-- a great tool in accomplishing that and of course we've emphasized the roll of education as well in public health. That's why we have nurses and health educators and physicians going out to the public and to the greater community in order to emphasize the importance of that.

CHAIRPERSON FIELDS:
Are you against educating the public about pesticides?

DR. GRAHAM:
Absolutely not, we're in favor of educating people about the risk of -- certainly in my particular area, in public health, obviously we concentrate on human disease and reportable diseases, communicable diseases that can't affect the public.

CHAIRPERSON FIELDS:
So would you have any problem with Adrienne's suggestion in --

DR. GRAHAM:
Well, we think the -- that roll can be probably better addressed by agencies such as the Federal agencies that have more expertise on regulating chemicals, etcetera. And that's the purpose of many of these federal agencies, is to look at very carefully in a scientific

way the benefits and the risks of chemicals.

MS. ESPOSITO:

Legislator Fields, I don't disagree and nor did I think I even remotely implied that west nile virus is not a serious issue that needs to be addressed. But you are not being asked to approve a plan to only address west nile virus, you are being asked to approve a Vector Control Plan.

CHAIRPERSON FIELDS:

Right.

MS. ESPOSITO:

My village where I live last year in Patchogue was sprayed for nuisance spraying, that's dramatically different than West Nile Virus. So what I'm saying is we need to educate the public about the health effects of pesticides, I don't -- I didn't think for any reason that that would be controversial, I think that in the realm -- in the spirit of protecting the public's health, that's something we should move forward with. I think its been a weakness, certainly we can turn ut into one of our strengths.

CHAIRPERSON FIELDS:

Is it possible to put part of that into the plan, Dominick?

MR. NINIVAGGI:

Well, the education has generally been handled by Health Services. I think that certainly a great deal of information has been put out regarding the health effects of pesticides, particularly by agencies like the EPA that are responsible for regulating these materials and who have the scientific expertise to evaluate them. I think that some

of the issues, some of us might not agree with what the EPA says, for some people the EPA's guidance on this has been that for the general public there's very low risk of any adverse health effects.

CHAIRPERSON FIELDS:

So you're saying that --

MR. NINIVAGGI:

So what I'm saying is that some of us might want the County to say that these materials are extremely dangerous, that we have to take extraordinary precautions, that is --

CHAIRPERSON FIELDS:

I'm not sure that anybody --

MR. NINIVAGGI:

That is not the sort of education that we --

CHAIRPERSON FIELDS:

Dominick, I don't think anybody wants anyone to say that these chemicals are extremely dangerous. I think that, you know, what Adrienne and other people have requested of me to bring out is that there could be, you know, just as she suggested with the use of steroids, when you go to a doctor or if you're contemplating surgery, they are -- they must tell you what the risks are and it is part of education. We're sophisticated enough now in life to know the pros and the cons of everything that we do. And you know, my question I think is simply is there a way that Suffolk County, on behalf of its residents, in a caring attitude could just suggest to the public in an educational way that there are some slight risks or there may be some slight risks or side effects.

MR. NINIVAGGI:

Well, I think you'll see if you look at our websites, for instance, and the other information we have out there, we do have sections on that, you'll see that in the Department of Health information also. So I think a lot of this is already out there.

MS. ESPOSITO:

I think it's important to understand a statistic given out by the New York State Department of Health last month, and that is that we had 14

confirmed cases of West Nile Virus in New York State. We also 14 confirmed, that means confirmed by a medical doctor, cases of individuals in New York who had adverse health impacts because of the spraying for west nile virus. So we have two problems going on and we'd like the public to be as well educated about both of them as we possibly can. In the end, the educated public will be our best friend to combat west nile virus and to combat problems with pesticides. I think it's a win/win.

Thirdly, I just wanted to mention -- or actually the last two items were the response criteria, and I know that not only is our County grappling with this but counties across New York State are also grappling with this, but there's really not a clear response criteria for when adulticides would be applied. And some of the things we would be looking for is, you know, is it one pool of infected

mosquitoes, is it two pools of infected mosquitoes, is it a combination of dead birds; I mean, what is the trigger mechanism to cause us to go to a higher threshold of action? And maybe if that can be a little bit more delineated in the plan.

Also, I didn't see anything in the plan about the distance of application. So if a -- if infected pools of mosquitoes were found with West Nile Virus, for instance, are we going to be using a two mile radius, a one mile radius? Last year Nassau County used a one mile radius, some other counties used a two mile radius. So I was just wondering if that could be worked into the plan just so we would -- the public would know what to expect.

MR. NINIVAGGI:

I can respond to that. The primary reason why we can't put numerical thresholds and distances in this particular plan has to do with a matter of timing. This plan was written basically in late September,

early October, the science on this is developing at an extremely rapid rate. It has not been fully determined even what the most important species of mosquitoes are for transmission to humans. Until those sorts of issues are settled, it would not make any sense whatsoever to put specific criteria for response into a plan like this. There's an awful lot that's going on in the science of this and that's just a matter of when this plan is written versus, you know, when the science is going to catch up to it.

I think one of the things that we can point out is that here in Suffolk County we tried to be and I think we were very targeted in our response. CDC guidelines were a two mile radius around every dead bird with virus. If we responded at all to a virus finding, it was a one mile radius, we certainly did not treat every place a positive bird was found. I think, however, where we did find intense virus activity, particularly in the Town of Babylon, we used a full spectrum of response. I think that our program is guided by an excellent surveillance program that is still being upgraded and I think that the trend will be toward more and more targeted and more and more limited response as we get to know this virus better.

One question I will have to make, though, is that every year with mosquitoes is different. The fact -- the situation we saw in 2000, you know, may or may not be typical, the situation in 2001 or 2002 could be totally different and it could call for a totally different response. I think that we have to use basically the latest science that's available to us and that's something that is develop -- you know, people are working on this right now and they will be developing -- they're working on things right now that will effect how we do things in 2001.

CHAIRPERSON FIELDS:
Adrienne?

MS. ESPOSITO:

Well, I was going to say, I know that the science is changing month to month on this. And actually we were very happy that Dominick and the Vector Control Department did not spray on every bird that was tested positive this year. But what we would like now is as the science does

change and evolve is to understand better what the practices are going to be. And we're not looking for I think, you know, a clear plan that will delineate every type of situation that comes up, but rather more of an overall understanding of what would be a [triggerment] mechanism. So again, I do understand the complication in that and Suffolk County has I think used a lot of great thought before they applied adulticides and I'm not implying otherwise. I'm just saying as we now start to approve plans, we want to have a little bit more information.

The other thing that kind of goes under this category was monitoring that adult application. So for instance, I think that -- well, I don't think, but I'll give you an example. In September, I think it was late September, I had a Nassau County Police Officer walk into our office, sit down with us and say, "You know, I was out a couple of weeks ago in the Great South Bay right off of Copiague fishing. It was about seven o'clock at night and they were spraying I guess the Village of Amityville at that time," or somewhere in Babylon, Dominick would know, but that the helicopters passed over the water body. And you know, I said to him, "Now, it was over your head, you saw this," he said, "I witnessed it. There were other boats out, you know, I had friends in the boat," and he was alarmed because he had read that they were not supposed to be spraying over the water bodies. And that, you know, is certainly not something I think that's anybody's fault other than the fact that we really don't have, I don't know of one anyway, a monitoring program that would really work to make sure this kind of incident doesn't happen again or doesn't happen on a repeated basis.

MR. NINIVAGGI:

Well, first of all, did this person actually see the helicopter spraying --

MS. ESPOSITO:

Yes.

MR. NINIVAGGI:

-- or did they see the helicopter?

MS. ESPOSITO:

He was concerned because he said the mist was falling down on them and they didn't know if they went to shore if that would help, they didn't know what to do.

MR. NINIVAGGI:

Well, if a person sees that sort of thing they should probably call DEC and I would be -- again, that doesn't sound like the way our materials work.

One of the things I will say is that whenever we've done an aerial application this -- particularly this year, the DEC representative has been on-site monitoring the spray, and in some cases also the U.S. EPA. Our helicopter also has a Global Positioning System on it and navigation for the spray on, spray off, so we can monitor. And certainly nothing in the information we have suggests that this sort

of incident in fact took place, we would certainly like to know about it if that's the case. But we do have mechanisms in place to monitor these sorts of things.

CHAIRPERSON FIELDS:

Okay, I'm going to ask that we end some of this discussion. But Dominick, is there any way that you can alter some of the problems that DEC had with the plan, respond to their questions and create something that we can all feel comfortable with approving by Tuesday?

MR. NINIVAGGI:

I have no idea because I don't know when they're going to get to me. And while you have I guess a marked up copy there, that might not be the official position of the DEC when it finally comes to me. Certainly they've had two weeks, I don't know at what point we can -- I don't know what to tell you. If they have two weeks and they still haven't sent me anything and something gets to me late this week and it's intensive and I have to respond to that, I don't know what to tell you.

CHAIRPERSON FIELDS:

Well, I am waiting for a call from them today, so I will find that out. In the interim, do you need a copy of the verbatim minutes from last meeting?

MR. NINIVAGGI:

That would be helpful, but again, that might not necessarily reflect DEC's official position.

CHAIRPERSON FIELDS:

Okay.

LEG. CARACCILOLO:

I have a question for Dr. Graham. I was within ear shot when there was discussion about public information, possible harmful effects from spraying applications. Dr. Graham, to your knowledge, based I'm sure on keeping abreast of all the latest developments in this area, is there any scientific evidence, literature, that would suggest prolonged use of these various agents in Suffolk County, can or may have harmful effects on its populous over a long period of time.

DR. GRAHAM:

That's obviously a great concern to all health professionals.

LEG. CARACCILOLO:

I would think so.

DR. GRAHAM:

We obviously have -- we're under the guidance, of course, of the Centers for Disease Control and other Federal agencies in the New York State Department of Health and the DEC, and we very carefully follow their guidelines in terms of our efforts in trying to prevent any disease transmission, whether it's from this vector or not. But to my

knowledge, we always weigh the benefits versus risks of any decision that we make. And in the medical literature, peer review literature, to date we've had no evidence or any reports from New York State or

from the Federal agency of any serious, significant, adverse reaction directly related to this pesticide this past year here in Suffolk County.

CHAIRPERSON FIELDS:

What about the 14 cases that Adrienne --

DR. GRAHAM:

I would be concerned about that. I am not aware of any factual information like that in the peer review medical literature.

MS. ESPOSITO:

Let me --

LEG. CARACCIOLO:

Who has the responsibility --

LEG. FOLEY:

Let her respond to that.

CHAIRPERSON FIELDS:

Mike --

MS. ESPOSITO:

I have to respond to that.

CHAIRPERSON FIELDS:

While you were out of the room, Adrienne --

LEG. CARACCIOLO:

Oh, I'm sorry. Yeah, the 14, go ahead.

MS. ESPOSITO:

This was direct dialogue from New York State Department of Health. In addition to the 14 confirmed cases," and I don't know what the symptoms were or how severe they were, they also reported that there were over 200 potential cases of individuals who were harmed by pesticides.

CHAIRPERSON FIELDS:

Are you aware of that?

DR. GRAHAM:

We're guided by medically significant events that are reported in peer reviewed medical journals, that's what we look at.

CHAIRPERSON FIELDS:

Were you part of the meetings that the Department of Health from New York State had?

DR. GRAHAM:

We are frequently involved in many respects --

CHAIRPERSON FIELDS:

I meant you personally.

DR. GRAHAM:

I have on occasion, yes, or a representative from our division.

LEG. CARACCIOLO:

Dr. Graham, it would seem to me rather simple to resolve this matter

by contacting the New York State Department of Health, follow up on the testimony that was presented today and see what factual basis it has and request that the State share that information with your department and then you should share that with this committee.

DR. GRAHAM:

Absolutely. And I'm sure if that was a part of any peer reviewed medical journal that would be widely known.

LEG. CARACCILOLO:

Okay.

MS. ESPOSITO:

I also think it's important to note, Legislator Caracciolo, that the pyrethroids which are the most common pesticides that have been used in '99 and 2000 in Suffolk have not been subject to the long-term test required by the EPA. So when you said do we know for a fact if there's problems, the answer is we don't know; there may not be but there may be, we really don't know.

LEG. CARACCILOLO:

Well, that raises the question then, who ultimately has that responsibility in terms of the public health? Where does the U.S. Department of Public Health come into this? I mean, local governments cannot, we really don't have that responsibility. We really need to coordinate with higher levels of government who often times don't undertake that type of evaluation until perhaps, you know, there are some cases where there have been demonstration of people suffering from the ill effects of some of these agents.

MS. ESPOSITO:

And you know, in the absence of that hard science, it's better to err on the side of caution and simply educate the public about how to be least exposed, that's all we're saying.

LEG. CARACCILOLO:

And I agree, I think public education and efforts to educate the public in Suffolk County have improved significantly and the department and division is working on that constantly. But when I heard Dr. Graham's remarks with respect to -- I don't know if it was mortality, but when he talked about 10%, was that a mortality figure, Doctor, or was that a neurological disorder?

DR. GRAHAM:

That is a case fatality rate of those who are neurologically ill as a result of infection from West Nile Virus. That's very significant. When a novel virus like this is introduced into the western hemisphere for the first time in the past two years.

LEG. CARACCILO:

Right.

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DR. GRAHAM:

That's quite significant.

LEG. CARACCILO:

So as with everything else in science, there are trade-offs, and that's certainly true with traditional medicine and the way we treat individuals. I mean, in the medical community now there's a lot of concern about viruses and anti-bacterial agents that humans can build up an immun -- I can't --

CHAIRPERSON FIELDS:

Immunity.

LEG. CARACCILO:

I'm getting tongue-tied -- to and as a result we might be facing a situation years hence where we don't have medicines to treat people as we did traditionally for some of the viruses that traditionally we were able to. So, I mean, this is an evolution and we all should stay on top of it. Education's a big part of it, but I would suggest that those -- and I know you, Adrienne, have a sincere interest and concern in this as we all do. And I don't think anyone would deduce from what's been going on in Suffolk County that anybody's been playing fast and loose with the public's health.

MS. ESPOSITO:

Right.

LEG. CARACCILO:

This has been a very well thought out plan and executed Vector Control Program over many, many years, and if anyone has evidence to the contrary, then please come forward with evidence and facts that can back that up.

CHAIRPERSON FIELDS:

Legislator Crecca.

LEG. CRECCA:

Yeah, I would just ask the Chair if we -- I know that -- and it's a very important issue and I think it's been very good the presentations we've had, but I just --

CHAIRPERSON FIELDS:

No, you want us to move forward.

LEG. CRECCA:

Yes.

CHAIRPERSON FIELDS:

I am trying, very hard.

LEG. CRECCA:

That's what I want. If there's a reason why --

CHAIRPERSON FIELDS:

Okay. So you have no comments about this then?

LEG. CRECCA:

No.

CHAIRPERSON FIELDS:

Okay.

LEG. CRECCA:

I've actually met with these people and --

CHAIRPERSON FIELDS:

Thank you very much for appearing today and responding to all these and hopefully we'll have some way of resolving it before Tuesday. Thank you.

The next speaker is Mark Serotoff from the Townline Civic Association regarding the Kings Park Power Plant. Is that on the agenda? We have no -- I don't think we have anything on the agenda about that.

MR. SEROTTOFF:

I filled out a card to speak earlier today.

CHAIRPERSON FIELDS:

I know. Go ahead.

MR. SEROTTOFF:

I apologize if some of my comments might seem redundant from earlier presentations I made. My name is Mark Serotoff from the Townline Association, I'm the Science and Technology Chairman. We represent 15,000 people in the Commack, East Northport, Fort Salonga and Kings Park areas expressing our concerns about the power plant being proposed for that area.

Again, I apologize, some of the Legislators were here at previous meetings that myself and a colleague were at. However, I'm focusing on health, several health issues and health concerns at this meeting; at previous meetings we concerned economic and environmental.

CHAIRPERSON FIELDS:

Okay. Just go ahead with your presentation.

MR. SEROTTOFF:

I distributed the map which shows the sensitivity of the area, over a dozen schools, a VA Hospital, the State park, there's an incinerator, the Huntington Regional Incinerator is right across the street from the proposed power plant. And if you look at the next page, this is a study by the DOH documenting statistically significant cancer incidences in that area by the Huntington Landfill and by the incinerator. We live in a burdened area right now and if this plant were to be cited over here, the diseases and exposures to carcinogens would go up and we would be adversely affected. The power company --

LEG. CRECCA:

Can I interrupt you?

MR. SEROTTOFF:

Yes, sir.

LEG. CRECCA:

How would you be -- how would a power plant produce carcinogens? I just -- is that what you are saying?

MR. SEROTTOFF:

Yes. Part of the combustion process, when any fossil fuel is burning, even a candle, emits unburned particulates, most of which is soot, carbon which is a known carcinogen, and benzopyrenes which are chemical -- the main constituents of the volatile, organic compounds. The Benzopyrenes, it's a major constituent of cigarette smoke also which is a potent carcinogen. So by burning fossil fuel, that's why whenever I go to a restaurant and we have a candle on the table, I snuff it out and the waiter comes to light it and I say, "No thank you." It's true; so we have the dark table, but my wife doesn't mind.

LEG. CRECCA:

And you're saying that's going to be such a significant level that's

it's going to actually affect the community?

MR. SEROTTOFF:

Absolutely. If you look at the sheet, the third sheet from the company's engineering statement, the particulate matter is on the order of almost a million pounds a year, a million pounds is a tremendous amount of material, these are the particles of soot that are deeply inspired into the lungs. P M means particulate matter ten microns, and microns is thousands of a millimeter; very small particles, they reside in the lungs for years. And as you know, with the shift yard workers that were exposed to asbestos and construction workers that are exposed to asbestos or even fiber glass, all you need is one particle or one fiber of a carcinogen to go into your lungs or be ingested even in your stomach or digestive track, that particular will wedge and stay there for decades until, as you age, your immune system breaks down and you get cancer. And as we know, we just lost -- every day, every week in Newsday there's an announcement of people succumbing to the disease. This plant will be located just about a hundred feet from residences.

Third page, power plant soot linked to death, on the average three years, life expectancy is cut if you live near a power plant. I live near a power plant, so do my children, so do thousands of people; I mean, we will live near a power plant. We don't want our lives cut and other negative effects.

The fourth page is the emissions of the Huntington Incinerator. If you compare the emissions of incinerator to the emissions of the power plant, it's the equivalent of in most cases the emissions of the power plant will be three times the amount of the incinerator, it's like putting three more incinerators in our backyard.

We made a conscience choice of moving into this area with the incinerator there and the incinerator was redone and it's drastically been improved and cleaned; it's still not the best case but it's there. We also moved in without -- with a conscious decision not to move next to a power plant and, again, the additional health effects and explosion possibilities, and there are numerous explosion possibilities from these plants exist. This is another reason why the

Commack Fire Department came out in a signed statement by all the Fire Commissioners against the power plant. And a small incinerator also in the area is the St. Catherine of Sienna Medical Waste Incinerator and the emissions from that plant are also documented.

I'm almost done. The Suffolk County Department of Health, Engineers Jim Pim and Alex Santino were very concerned about this power plant because it would require bulk storage of almost a half of million gallons of fuel oil over a deep recharge aquifer. This is against Suffolk County Sanitary Health Code Article 7. The power company, if they were truly environmentally concerned, would say, "Hey, we're not going to put this over here because it could endanger your water supply." And there are other areas that are not deep recharge areas, not Article 7, let's put it over there. They are going to try to seek a waiver to overcome Article 7 which could eventually lead to other power plants and other heavy industry storing bulk, hazardous chemicals and our water supply could be endangered permanently, County wide. It's not a NIMBY situation, it's a County wide situation.

CHAIRPERSON FIELDS:

Have you brought this particular plan to the Legislator who's district it would be in, to their attention?

MR. SEROTTOFF:

Mr. Cooper?

CHAIRPERSON FIELDS:

Yeah.

MR. SEROTTOFF:

Yes.

CHAIRPERSON FIELDS:

Okay.

MR. SEROTTOFF:

The yellow sheet is the printout of 18 power plants proposed throughout Long Island, most of which are in Suffolk County. And if you look on the side that has the Kings Park Plant, you could see PPL has six -- five sites. If this is to be an unsuitable site, they have other choices, they can build a plant. And also Babylon might have everything but Commack is in hot pursuit, we're having a world class cancer center being built right near the Commack Multiplex and it's great if we do get the disease, we'll have world class treatment just down the block to take care of it. My point is let's cut the cause of the diseases and not put it there.

And finally the last sheet shows the supporting groups including the First Lady and Mr. Lazio that feel that -- also feel that this is a plant that is in a badly cited, badly located area, completely inappropriate. For example, one of the other plants at Exit 66, it's either the {cathnis} or the AMP plant, are on 112 acres for not much more output. They have a 52 acre buffer between them and the nearest houses. This is a hundred foot buffer. It would seem that the two locations are completely, absolutely the opposite in appropriateness. Do we need the power? Yes, we do need the power, absolutely. The New

York Power Authority has contracted for eleven generators throughout Brooklyn and Queens and another 44 meg power plant at Pilgrim, and with the other sources of electricity, Mr. Kessel has sent out RFP's for cross sound cables and other importations from New England, our needs will be met. And also a thousand megawatts in power from Exit 66. The power is there, the power is available. I think the world can get along without this almost trivial, but not for us, 300 megawatt plant from this company.

CHAIRPERSON FIELDS:

Okay, thank you. I appreciate your --

MR. SEROTTOFF:

I also -- I'm sorry. I also have this for your information, clear the air document. It's excellent, excellent background information on this whole power business.

CHAIRPERSON FIELDS:

I appreciate that as part of the -- a member also of the energy and the environment Committee, this will be a good resource for us to have.

MR. SEROTTOFF:

I'd be happy to answer any questions.

CHAIRPERSON FIELDS:

Does any --

MR. SEROTTOFF:

Oh. What I'm looking for -- I'm sorry.

LEG. CRECCA:

There you go.

MR. SEROTTOFF:

And here's the bill. Help us and protect us.

CHAIRPERSON FIELDS:

Thank you very much. Legislator Crecca, nothing?

MR. SEROTTOFF:

Anything you can.

CHAIRPERSON FIELDS:

Okay. Will all the Legislators please come to the horseshoe so that we can act on the agenda, please. Thank you for coming.

MR. SEROTTOFF:

You're welcome.

LEG. CRECCA:

The packet is very informative, by they way.

MR. SEROTTOFF:

Thank you. Please feel free to contact me if you need any other background information

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CHAIRPERSON FIELDS:

Let's go.

LEG. CARACCIOLO:

Let's do it.

TABLED RESOLUTIONS

CHAIRPERSON FIELDS:

Tabled Resolutions, IR 1749-00 (P) - Establishing Safe Haven Policy for the Blind (D'Andre).

LEG. CRECCA:

Motion to table.

CHAIRPERSON FIELDS:

I will second the motion. All in favor? Opposed? Motion tabled (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 1916-00 - Implementing purchase of Mobile Veterinarian Clinic.

LEG. CARACCIOLO:

Motion to table.

CHAIRPERSON FIELDS:

Wasn't this approved at the regular meeting?

LEG. CRECCA:

I don't have this on my agenda.

MR. SABATINO:

That was discharged to the floor.

LEG. CRECCA:

That's what I thought.

CHAIRPERSON FIELDS:

Yeah, we acted upon this on the last Legislative meeting.

IR 1919-00 - Establishing Suffolk County Office of HMO Services.

LEG. FOLEY:

Motion.

LEG. CRECCA:

Can I have -- I have the wrong agenda.

LEG. CARACCIOLO:

Yeah, so do I. Do you have a corrected copy?

LEG. CRECCA:

The agenda I have is from here --

CHAIRPERSON FIELDS:

No, I'm reading from the wrong one.

LEG. CRECCA:

I feel better now.

CHAIRPERSON FIELDS:

IR 1749 we've tabled.

IR 2187-00 (P) - Approving Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (County Executive).

LEG. CRECCA:

Motion to approve.

LEG. FOLEY:

Motion to discharge --

CHAIRPERSON FIELDS:

Without recommendation, I would make that motion, or Legislator Foley will make the motion to discharge without recommendation which I would second.

LEG. CRECCA:

There's -- and I'm not -- I'm just asking for a technical -- which one takes precedence?

MR. SABATINO:

First in time, so the motion to approve was first, that would take precedence.

LEG. FOLEY:

There was no second.

MR. SABATINO:

If there wasn't a second, then it's academic.

CHAIRPERSON FIELDS:

All in favor? Opposed? Motion to discharge without recommendation is approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

TABLED SENSE RESOLUTIONS

Sense 148-2000 - Memorializing Resolution requesting the State of New York to uniformly make the torture of animals a felony (Cooper).

LEG. CARACCIOLO:

Motion to table. I had requested at the last meeting to have someone from the district attorney's office and the health department to

discuss is.

LEG. CRECCA:

I'll second that motion.

LEG. FOLEY:

We could also table it because --

CHAIRPERSON FIELDS:

Right. Motion to table is -- made a motion and a second. All in favor?
Opposed? Motion to table -- I mean tabled (Vote: 4-0-0-1 Not Present:
Legislator Caracappa).

INTRODUCTORY RESOLUTIONS

IR 2227-00 - Initiating Affordable Health Insurance Plan for Long
Island Small Business (Levy).

LEG. CARACCIOLO:

Explanation.

MR. SABATINO:

Well, it was tabled in prime if that will shorten the --

LEG. CARACCIOLO:

Motion to table.

LEG. CRECCA:

Second.

CHAIRPERSON FIELDS:

Second the motion. All in favor? Opposed? Tabled (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 2232-00 (P) - Extend deadline for Defibrillator Task Force (Crecca).

LEG. CARACCIOLO:
Second.

LEG. CRECCA:
Motion to approve.

CHAIRPERSON FIELDS:
I got Mike's disease. All in favor? Opposed? Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

LEG. CARACCIOLO:
You mean immunity?

CHAIRPERSON FIELDS:
Thank you, that's good. IR 2238-00 (P) - Adopting Local Law No. , a Local Law to regulate repeat violators of ban on sale of tobacco products to minors in Suffolk County (Fisher). I will make a motion to table this. As a member of -- as the Chairperson of the Health Committee, I am also a member of the Board of Health and we have been working on this. This initially was my resolution which I backed out of and withdrew because we have been working on it in the Board of Health. We are ready to put forward a public session in which this has been created on behalf of the Department of Health.

LEG. FOLEY:
I'll make a motion -- I'll second the motion. I think, Madam Chair,

what the record should reflect is that Chair didn't back out of anything, you just --

CHAIRPERSON FIELDS:

I withdrew it because we've been working on it.

LEG. FOLEY:

Right, okay.

CHAIRPERSON FIELDS:

Okay. Motion to table, seconded by Legislator Foley. All in favor? Opposed? Motion to table is approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 2246-00 (P) - Accepting and appropriating additional 100% grant funds from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services, for cost of living increases (County Executive).

LEG. CRECCA:

Motion to approve.

LEG. CARACCIOLO:

Motion.

CHAIRPERSON FIELDS:

Second. All in favor? Opposed? Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

LEG. CRECCA:

Motion to place it on the consent calendar.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

IR 2247-00 (P) - Amending the Department of --

LEG. FOLEY:

You have to vote on the --

CHAIRPERSON FIELDS:

All in favor? Opposed? It's on the consent calendar.

IR 2247-00 (P) - Amending the Department of Health Services 2000 Adopted Budget to reallocate 100% State Grant Funds for contracted agencies in the Division of Community Mental Hygiene Services (County Executive).

LEG. FOLEY:

Same motion.

CHAIRPERSON FIELDS:

Same motion, same second, same vote. Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

LEG. CRECCA:

Motion to place on the consent calendar.

LEG. FOLEY:

Second the motion.

CHAIRPERSON FIELDS:

Same -- okay, same motion, same second. Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 2248-00 (P) - Amending the Department of Health Services 2000 Adopted Budget to reallocate 2000 budgeted funds for contracted agencies in the Division of Patient Care Services (County Executive).

LEG. CARACCIOLO:

Same motion.

CHAIRPERSON FIELDS:

Same second. Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

LEG. CARACCIOLO:

Consent calendar.

CHAIRPERSON FIELDS:

Same motion.

LEG. FOLEY:

Explanation, please, on 2248. Madam chair, can we hear from the department, what funds -- we're looking at 2248, correct?

MR. SABATINO:

What's happening -- yeah.

LEG. FOLEY:

Where are they reallocating those?

MR. SABATINO:

The monies are being transferred from the Wyandanch Clinic to the Islip Health Center.

LEG. FOLEY:

Okay.

MR. SABATINO:

It's \$355,705. That's what it technically does. You know, what the --

LEG. FOLEY:

Okay.

MR. SABATINO:

What's going on in that particular operation, I don't know, but that's the technical aspect of it.

LEG. FOLEY:

Okay. Could we hear, Madam Chair, from Mr. Maimoni, please? Mr.

Maimoni, this has the concurrence, if you will, of the hospitals involved, running the two clinics?

MR. MAIMONI:

Yes.

LEG. FOLEY:

Okay. So in other words, the Wyandanch Clinic which is run by Good Samaritan, correct? Good Samaritan Hospital, they don't have a -- I mean, they must not have a problem if the resolution is moving forward.

MR. SABATINO:

According to the backup, it says that, you know, you're not going to spend the full amount with Good Samaritan.

MR. MAIMONI;

That's correct.

LEG. FOLEY:

And Good Samaritan has not objected to the transfer of the monies.

MR. MAIMONI:

No.

LEG. FOLEY:

Okay.

MR. MAIMONI:

What we've done is we've -- you know, as you know, over the last couple of years we've been looking at the way we do business in our health centers. In this particular instance, what we've done is one of the -- the majority of this money -- we used to have a doctor who did work in the health center treating patients and billed Medicaid and got the money. Upon cost analysis, we found it would be better for us to pay the doctor and allow us to bill Medicaid. So it costs a little

bit more money --

LEG. FOLEY:
Okay.

MR. MAIMONI:
-- in this regard but we've taken the revenue on the other side. And it's been -- you know, it's turned it around for us, so.

LEG. FOLEY:
With this transfer, how does that impact next year's -- next year's adopted budget?

MR. MAIMONI:
It shouldn't impact it at all. As you probably --

LEG. FOLEY:
I mean, next year's budget will cover the costs?

MR. MAIMONI:
Yes. We're currently in negotiation with all the hospitals for next year's contracts and we're doing things considerably differently than we've done them in the past. As you know specifically because you've been around long enough, every year like we vote a 4% increase to the hospital contracted.

LEG. FOLEY:
Yes.

MR. MAIMONI:

And the hospital got 4% more money. While they may be getting more money, we are getting services for -- when we give them additional money it's delineated exactly what services we're getting, we don't believe that it's going to be an issue next year in terms of going forward.

LEG. FOLEY:

Okay, thank you. Thank you, Madam Chair.

CHAIRPERSON FIELDS:

Okay. Where were we, then, on this one?

LEG. FOLEY:

2248. Motion to approve.

CHAIRPERSON FIELDS:

Motion to approve, seconded by the Chair. All in favor? Opposed? Approved (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 2271-00 - Amending the 2000 Operating Budget and transferring --).

LEG. CARACCIOLO:

This failed in Budget, it failed for lack of a second. So I make a motion --

MR. SABATINO:

To table.

CHAIRPERSON FIELDS:

To table?

LEG. CRECCA:

No.

MR. SABATINO:

It was tabled in prime.

LEG. CRECCA:

Let's make a motion to defer to prime. I make a motion to defer to prime.

CHAIRPERSON FIELDS:

I'll second the motion. All in --

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LEG. FOLEY:

On the motion. Even though it's a budgetary issue, but this being the Health Committee, I would not -- well, respectfully disagree with the Budget Committee's tabling. We know how important the services provided by Sunrise Psychiatric and --

LEG. CARACCILOLO:

Brian, if I could just interrupt you.

LEG. FOLEY:

Yes, yes.

LEG. CARACCILOLO:

It's amending the 2000 Operating Budget; with two weeks to go, it is impossible.

LEG. FOLEY:

Duly noted.

LEG. CARACCILOLO:

Okay.

CHAIRPERSON FIELDS:

Okay. Motion to -- who said table? Who said to table?

LEG. CRECCA:

I made a motion to defer to prime.

LEG. FOLEY:

With that --

CHAIRPERSON FIELDS:

Defer to prime.

LEG. FOLEY:

Just through the Chair and to Legislator Caracciolo, with that said, the sponsor of the bill understood that?

LEG. CARACCIOLO:

Well, she wasn't at the committee, but Legislator Bishop and others including myself understood that.

LEG. FOLEY:

All right. So --

CHAIRPERSON FIELDS:

Okay. Motion to --

LEG. FOLEY:

Where does it stand, though? I mean, are they going to be in the deficit mode for this year, then, Sunrise Psychiatric?

LEG. CARACCIOLO:

No, no. Paul, you want to explain?

LEG. FOLEY:

What was the purpose of the transfer?

MR. SABATINO:

The proposal was to renovate office space, a hundred thousand dollars.

LEG. CARACCILOLO:

Give them a hundred thousand dollars.

MR. SABATINO:

The reason it was tabled was -- because nobody was there to explain the rationale, but it was tabled because if somebody came up with a rationale in the new year, the bill could just be converted into a corrected copy, find a different offset -- or it would actually be the same offset, but just fund it in the year 2001. But the committee really wanted to see from somebody in the Health community what the purpose would be for the \$100,000. That's why it was tabled.

LEG. CARACCILOLO:

Also, I would add my comments yesterday were that you would be embarking in new territory in terms of contract agencies having capital improvements funded by County taxpayers. I have a reluctance to go there.

CHAIRPERSON FIELDS:

Motion to defer to prime, seconded by the Chair. All in favor?

Opposed? Deferred to prime (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 2277-00 (P) - Amending the 2000 Operating Budget and transferring funds for the purchase of equipment for the removal of iron from drinking water (CP 8203.10).

LEG. CRECCA:

Same motion.

CHAIRPERSON FIELDS:

Same second. All in favor? Opposed?

LEG. FOLEY:

Just on the motion, Madam Chair. What happened in the Budget Committee?

LEG. CARACCILOLO:

It was tabled, I have it tabled.

MR. SABATINO:

Tabled, yes. It was tabled because there was an issue -- somebody from the Health Department was there but there was an issue --

LEG. CARACCIOLO:
Paul Ponturo.

MR. SABATINO:
Yes, from Environmental Quality Services I think.

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LEG. FOLEY:
What was his --

MR. SABATINO:
The substance of the issue was it was unclear as to what equipment could be obtained to remove iron from drinking water and there seemed to be a lack of familiarity with exactly what type equipment would do that job.

LEG. FOLEY:
So the Health Department, through Mr. Ponturo's office, they were --

LEG. CARACCIOLO:
They were not consulted by the sponsor.

LEG. FOLEY:
They were not consulted by the sponsor and they were not, let's say --

MR. MAIMONI:
Mr, Foley.

LEG. FOLEY:
-- immediately supportive of it, is that correct?

MR. MAIMONI:

We were unclear as to what the sponsor's agenda was. We didn't know if he wanted for us to buy equipment to treat water, he wanted to buy equipment for people who had iron in their water.

LEG. FOLEY:

Okay.

MR. MAIMONI:

We just didn't know what he was trying to do.

LEG. FOLEY:

All right. So it's not so much a question of approving or opposing, it's just that you couldn't glean the intent of the sponsor.

MR. MAIMONI:

And from our perspective, you know, iron isn't a harmful thing in water.

LEG. FOLEY:

Okay.

CHAIRPERSON FIELDS:

Okay. So we're deferring to prime, is that how we did this? Okay, all in favor? Opposed? Deferred to prime (Vote: 4-0-0-1 Not Present: Legislator Caracappa).

IR 2280-00 (P) - Authorizing the Department of Health Services to submit an application pursuant to Article 28 of the Public Health Law requesting the reallocation of the Amagansett Satellite Clinic to expanded space in East Hampton (County Executive0.

LEG. CARACCIOLO:

Who's the application to?

LEG. FOLEY:

State Department of Health.

MR. SABATINO:

State Department of Health.

LEG. CARACCIOLO:

And the justification for the move?

MR. SABATINO:

Well, the town's going to build a larger health center for the County. So in order to file the application to get the permission to use this facility which I think will now be rent free, you have to file with the State and get their approval.

LEG. CARACCIOLO:

It sounds like a good cooperative with the Town of East Hampton.

CHAIRPERSON FIELDS:

Motion to approve.

LEG. CRECCA:

Can we place this on the consent calendar or no?

CHAIRPERSON FIELDS:

We need a second.

LEG. FOLEY:

No, this has to --

LEG. CRECCA:

No, okay. I didn't think so.

LEG. FOLEY:

I'll second the motion.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved (Vote: 4-0-0-1 Not Present:

Legislator Caracappa).

Motion to adjourn?

LEG. FOLEY:

Second. Motion to adjourn.

CHAIRPERSON FIELDS:

Second. All in favor? Opposed? We're adjourned. Alison, I want to publicly thank you for all of the work you do this committee. I know you probably have what they term in old age as traumatic arthritis from all of the work that you do on your fingers. Thank you very much.

(*The meeting was adjourned at 12:14 P.M.*)

Legislator Ginny Fields, Chairperson
Health Committee

{ } - Denotes Spelled Phonetically

